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No. 45]

NEW DELHI, SATURDAY, NOVEMBER 7, 1987/KARTIKA 16, 1909

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांघीक आदेश और अधिसंचानाएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 19 अक्टूबर, 1987

आदेश

स्टाम्प

का. आ. 3070 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो इंडियन टेलीफोन इंडस्ट्रीज, लिमिटेड, बंगलौर द्वारा जारी किए जाने वाले केवल तीन सौ चार करोड़ बत्तीस लाख रुपये के मूल्य “बी” श्रृंखला के आरक्षित विमोच्य असम्परिवर्तनीय बंधपत्रों के रूप में उल्लिखित प्रामिसरी नोटों के स्वरूप के बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभार्य है।

[सं. 42/87—स्टाम्प—फा. सं. 33/29/87-वि. क]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 19th October, 1987

ORDER

STAMPS

S.O. 3070.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act,

87/1443 GI—1

1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Promissory Notes described as 'B' Series secured redeemable non-convertible bonds of the value of rupees three hundred and four crores and thirty two lakhs only to be issued by the Indian Telephone Industries Limited, Bangalore are chargeable under the said Act.

[No. 42/87-Stamps-F. No. 33/29/87-ST]

नई दिल्ली, 20 अक्टूबर, 1987

आदेश

स्टाम्प

का. आ. 3071 :—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा ईस्ट इंडिया होटल्स लिमिटेड, कलकत्ता को मात्र ग्यारह लाख पचहत्तर हजार एक सौ सड़सठ रुपये पचास पैसे के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति देती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र पन्द्रह करोड़ छियासठ लाख नवासी हजार रुपये के अंकित मूल्य के 13.5% आरक्षित विमोच्य असम्परिवर्तनीय ऋण-पत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 40/87—स्टाम्प—फा. सं. 33/56/87—वि. क.]

(3871)

New Delhi, the 20th October, 1987

ORDER

STAMPS

S.O. 3071.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the East India Hotels Limited, Calcutta to pay consolidated stamp duty of rupees eleven lakhs, seventy-five thousand one hundred and sixty seven and paise fifty only chargeable on account of the stamp duty on 13.5 per cent secured Redeemable Convertible Debentures of the face value of rupees fifteen crores, sixty-six lakhs and eighty nine thousand to be issued by the said company.

[No. 40/87-Stamp-F. No. 33/46/87-ST]

आदेश

स्टाम्प

का. आ. 3072 :—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो तमिलनाडु इलैक्ट्रीसिटी बोर्ड द्वारा मात्र उन्नालीस करोड़ पचास लाख रुपये के मूल्य के “11 प्रतिशत तमिलनाडु इलैक्ट्रीसिटी बंध-पत्र क्र० 2002” (47 वां क्र०) के रूप में उल्लिखित प्रामिसरी नोटों के स्वरूप के जारी किए जाने वाले बंध-पत्रों पर उक्त अधिनियम के अन्तर्गत प्रभार्य है।

[सं. 44/87—स्टाम्प—फा. सं. 33/43/87-बि. क.]

ORDER

STAMPS

S.O. 3072.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of Promissory Notes described as “11 per cent Tamilnadu Electricity Board loan 2002” (47th loan) of the value of rupees thirty nine crores and fifty lakhs only to be issued by Tamilnadu Electricity Board, are chargeable under the said Act.

[No. 44/87-Stamp-F. No. 33/43/87-ST]

आदेश

स्टाम्प

का. आ. 3073.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा गैस्ट कीओन विलयम्स लिमिटेड कलकत्ता को मात्र छह लाख सततर हजार सात सौ इक्टीस रुपये के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले आठ के करोड़ चौरानवे लाख तीस हजार आठ सौ रुपये जारी अंकित मूल्य के 15 प्रतिशत आरक्षित असंपरिवर्तनीय क्र० 47 पत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 41/87—स्टाम्प—फा. सं. 33/47/87-बि. क.]

ORDER

STAMPS

S.O. 3073.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Guest Keen Williams, Limited, Calcutta to pay consolidated stamp duty of rupees six lakhs seventy thousand and seven hundred and thirty one only, chargeable on account of the stamp duty on 15 per cent secured Non Convertible Debentures of the face value of rupees eight crores, ninety four lakhs, thirty thousand and eight hundred only to be issued by the said company.

[No. 41/87-Stamp-F. No. 33/47/87-ST]

आदेश

स्टाम्प

का. आ. 3074.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 4 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा हिन्दुस्तान केबल्स लिमिटेड, कलकत्ता को केबल पन्द्रह लाख रुपये के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले केबल बीस करोड़ रुपये के अंकित मूल्य की क्रम संख्या 1 से 20,00,000 तक के 15 प्रतिशत असंपरिवर्तनीय क्र० 47 पत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है।

[संख्या 43/87—स्टाम्प—फा. सं. 33/42/87—बि. क.]

ORDER

STAMPS

S.O. 3074.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Hindustan Cables Limited, Calcutta to pay consolidated stamp duty of rupees fifteen lakhs only, chargeable on account of the stamp duty on 15 per cent Non-convertible debentures bearing serial Numbers 1 to 20,00,000 of the face value of rupees twenty crores only to be issued by the said company.

[No. 43/87-Stamp-F. No. 33/42/87-ST]

नई दिल्ली, 21 अक्टूबर, 1987

आदेश

स्टाम्प

का. आ. 3075.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा इंडियन एल्यूमीनियम कम्पनी लिमिटेड कलकत्ता को मात्र तीन लाख रुपये के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र चार करोड़ रुपये के अंकित

मूल्य के 14 प्रतिशत व्यक्तिगत धारित बन्धक शृण-पत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 45/87—स्टाम्प—फा. सं. 33/49/87—बि.क.]

बी. आर. मेहमी, अवर सचिव

New Delhi, the 21st October, 1987

ORDER

STAMPS

S.O. 3075.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Indian Aluminium Company, Limited, Calcutta to pay consolidated stamp duty of rupees three lakhs only, chargeable on account of the stamp duty of 14 per cent privately placed mortgaged debentures of the face value of rupees four crores only to be issued by the said company.

B. R. MEHMI, Under Secy.

[No. 45/87-Stamp-F. No. 33/49/87-ST]

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 27 अप्रैल, 1987

आयकर

का.आ. 3076.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पूर्ववर्ती जारी की गई सभी अधिसूचनाओं का अधिलंबन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एवं द्वारा निवेश देता है कि नीचे दी गई अनुसूची के स्तम्भ संलग्न (1) में विनिर्दिष्ट अधिकार क्षेत्र के आयकर आयुक्त (अपील) स्तम्भ (2) और (3) को तत्संबंधी प्रविष्टियों में विनिर्विष्ट आयकर बाड़ी, परिमण्डलों, जिलों और रेंजों में आयकर अथवा अतिकर या व्याजकर से निर्धारित ऐसे व्यक्तियों के बारे में अपना कार्य निर्वहण करेंगे जो आयकर अधिनियम, 1961 की धारा 246 की उप धारा (2) के खण्ड (क) से (ज), कम्पनी (लाभ) अतिकर अधिनियम, 1964 (1964 का 7) की धारा 11 की उप धारा (1) तथा व्याज कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आदेश से व्यवित हुए हैं और ऐसे व्यक्तियों या व्यक्तियों की श्रेणियों की बाबत भी कार्य निर्वहण करेंगे जिनके लिए बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उप धारा (2) के खण्ड (1) के उपवर्धनों के अनुसार निवेश किया है या भविष्य में निवेश है।

अनुसूची

अधिकार-क्षेत्र	आयकर बाड़ी/ परिमण्डल और जिले	नि.स. आयुक्तों के रेंज
तथा प्रधान कार्यालय		

1	2	3
1. आयकर आयुक्त (अपील), इलाहाबाद	निम्नलिखित स्थानों में स्थित सभी बाड़ी/ परिमण्डल :	
	1. इलाहाबाद	1. निरोधी सहायक आयुक्त, इलाहाबाद।

1	2	3
2. फैजाबाद	2. नि.स.आ. (क. निर्धा.) इलाहाबाद	
3. प्रसापगढ़	3. आयकर अधिकारी (सी.सी.), इलाहाबाद के संबंध में नि.स.आ. (सी.) वाराणसी।	
4. सुलतानपुर	4. मिजापुर में आयकर अधिकारियों के संबंध में नि.स. आयकर आयुक्त, वाराणसी।	
5. फतेहपुर		
6. मिजापुर		
7. केन्द्रीय परिमण्डल		
	इलाहाबाद।	
2. आयकर आयुक्त (अपील),	निम्नलिखित स्थानों में स्थित सभी बाड़ी/ परिमण्डल :	नि.स.आ., वाराणसी (मिजापुर में स्थित आयकर अधिकारियों को छोड़कर)
		1. वाराणसी
2. भद्रोही		2. नि.स. आयुक्त (क. निर्धारण) वाराणसी।
3. गाजीपुर		3. नि.स.आयुक्त (सी.) वाराणसी (आयकर अधिकारी) (सी.सी.), इलाहाबाद को छोड़कर)
4. बलिया		
5. जौनपुर		
6. केन्द्रीय परिमण्डल, वाराणसी।		

जहां कोई आयकर परिमण्डल, बाड़ी अथवा जिला अथवा उसका कोई भाग इस अधिसूचना द्वारा एक अधिकार क्षेत्र से किसी भन्य अधिकार क्षेत्र में अन्तरित कर दिया गया हो, वहां उस आयकर परिमण्डल, बाड़ी अथवा जिला अथवा उसके किसी भाग में किए गए निर्धारणों से उत्पन्न होने वाली और इस अधिसूचना की तारीख से तकाल पूर्व, अधिकार क्षेत्र के उस आयकर आयुक्त के सम्भव विचाराधीन पड़ी अपीलें, जिसके अधिकार क्षेत्र में आयकर परिमण्डल, बाड़ी अथवा जिला अथवा उसका कोई भाग अन्तरित किया गया हो, इस अधिसूचना के लागू होने की तारीख से अधिकार क्षेत्र के उस आयकर आयुक्त को अंतरित की जाएंगी और उसके द्वारा निपटाई जाएंगी जिसके अधिकार क्षेत्र में उक्त

परिमाणल, बार्ड अथवा जिला अथवा उसका कोई भाग अन्तरित किया गया हो।

यह अधिसूचना दिनांक 15-4-1987 से लागू होगी।
[सं. 7258 (फा. सं. 261/10/87-आ.क.न्या.)
के.पी. गंगुली, विशेष कार्य अधिकारी (न्या.)
केन्द्रीय प्रत्यक्ष कर बोर्ड।

CENTRAL BOARD OF DIRECT TAXES
New Delhi, the 27th April, 1987
(INCOME TAX)

S.O. 3076.—In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in supersession of all notifications issued earlier, the Central Board of Direct Taxes hereby directs that the Commissioner of Income-tax (Appeals) of the charges specified in column No. (1) of the Schedule below, shall perform their functions in respect of such persons assessed to Income-tax or Sur-tax or Interest Tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in column (2) and (3) thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961 in sub-section (2) of Section 11 of Companies (profit) Sur-tax Act, 1964 (7 of 1964) and in sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (i) of sub-section (2) of Section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with Headquarters	Income-tax Wards/ Circles & Districts	Ranges of I.A. Com.
1	2	3
1. Commissioner of Income-tax, situated at : Allahabad.	All Wards/Circles 1. Allahabad. 2. Faizabad.	1. Inspecting Asstt. Commissioner, Allahabad. 2. Inspecting Asstt. Commissioner (Asstt.), Allahabad.
	3. Pratapgarh	3. Inspecting Asstt. Commissioner (C) Varanasi in respect of ITO (CC), Allahabad.
	4. Sultanpur	4. Inspecting Asstt. Commissioner of Income-tax, Varanasi in respect of ITOs stationed at Mirzapur.
	5. Fatehpur. 6. Mirzapur. 7. Central Circle, Allahabad.	5. Fatehpur. 6. Mirzapur. 7. Central Circle, Allahabad.
2. Commissioner of Income-tax, (Appeals), Varanasi.	All Wards/Circles situated at : 1. Varanasi 2. Bhadohi 3. Ghazipur	1. IAC, Varanasi excluding ITOs stationed at Mirzapur. 2. IAC (Asstt.) Varanasi. 3. (IACC), Varanasi excluding ITO (C.C.) Allahabad.
	4. Ballia. 5. Jaunpur. 6. Central Circle, Varanasi.	4. Ballia. 5. Jaunpur. 6. Central Circle, Varanasi.

Whereas an Income-tax Circle, Ward or District or Part thereof stands transferred by this notification from one charge to another charge, appeals arising out of the assessments made in that Income-tax Circle, Ward or part thereof or District and pending immediately before the date of this notification before the Commissioner of Income-tax of the charge from whom the Income-tax Circle, Ward or District or part thereof is transferred shall from the date this notification takes effect be transferred and dealt with by the Commissioner of Income-tax of the Charge to whom the said Circle, Ward or District or Part thereof is transferred.

This Notification shall take effect from 15-4-1987.

[No. 7258 (F. No. 261/10/87-IT)]

K. P. GANGULI, OSD(J) Central Board of Direct Taxes

(आधिक कर्य विभाग)

(बैंकिंग विभाग)

नई दिल्ली, 29 सितम्बर, 1987

का.आ. 3077.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री ए.के. श्रीवास्तव को जिनकी धारा 11 की उपधारा (1) के सहत देवी पाटन क्षेत्रीय ग्रामीण बैंक, गोडा के अध्यक्ष के रूप में नियुक्त की तीन वर्ष की पहली अवधि 30-4-87 को समाप्त हो गई है, 1-5-87 से प्रारम्भ होकर 30-7-87 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ 2-21/87-आर आर बी]

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 29th September, 1987

S.O. 3078.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri A. K. Srivastava whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired on 30-4-87 as the Chairman of Devi Patan Kshetra Gramin Bank, Gonda for a further period commencing from 1-5-87 and ending with 30-7-87.

[No. F. 2-21/87-RRB]

का.आ. 3078.—प्रावेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री वी.के. गुप्ता को देवी पाटन क्षेत्रीय ग्रामीण बैंक, गोडा का अध्यक्ष नियुक्त करती है तथा 31-7-87 से प्रारम्भ होकर 31-7-90 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री गुप्ता अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ. 2-21/87-आर आर बी]

S.O. 3078.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri V. K. Gupta as the Chairman of the Devi Patan Kshetra Gramin Bank, Gonda and specifies the period commencing on the 31-7-87 and ending with the 31-7-90 as the

period for which the said Shri Gupta shall hold office as Chairman.

[No. F. 2-21/87-RRB]

का.आ. 3079.—प्रादेशिक ग्रामीण बैंक अधिनियम 1976 (1976 का 21) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री बी.एस. बडोदरिया को जिनकी धारा 11 की उपधारा (1) के तहत साबरकांठा गांधीनगर ग्रामीण बैंक, हिम्मत नगर के अध्यक्ष के रूप में नियुक्ति का तीन वर्ष की पहली अवधि 31-8-87 को समाप्त हो गई है, 1-9-87 से प्रारम्भ होकर 28-2-88 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ. 2-32/87-आर आर बी]

S.O. 3079.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri B. S. Vadodaria whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired on 31-8-87 as the Chairman of Sabarkantha Gandhinagar Gramin Bank, Himatnagar for a further period commencing from 1-9-87 and ending with 28-2-1988.

[No. F. 2-32/87-RRB]

का.आ. 3080.—प्रादेशिक ग्रामीण बैंक अधिनियम 1976 (1976 का 21) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री के.एम. प्रभु को जिनकी धारा 11 की उपधारा (1) के तहत सहयाद्रि ग्रामीण बैंक, शिमोगा के अध्यक्ष के रूप में नियुक्ति की तीन वर्ष की पहली अवधि 30-9-87 को समाप्त हो गई है, 1-10-87 से प्रारम्भ होकर 30-4-88 को समाप्त होने वाली अवधि के लिए उक्त बैंक का पुनः अध्यक्ष नियुक्त करती है।

[संख्या एफ 2-46/87-आर आर बी]

प्रबीण कुमार तेजयान, अवर सचिव

S.O. 3080.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby reappoints Shri K. M. Prabhu whose earlier tenure of three years appointment under sub-section (1) of section 11 had expired on 30-9-87 as the Chairman of Sahyadri Gramin Bank, Shimoga for a further period commencing from 1-10-87 and ending with 30-4-88.

[No. F. 2-46/87-RRB]

P. K. TEJYAN, Under Secy.

मई दिल्ली, 16 अक्टूबर, 1987

का.आ. 3081.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपर्युक्त 31 दिसम्बर, 1990 तक यूनाइटेड बैंक आफ इंडिया, कलकत्ता पर उस सीमा तक लागू नहीं होंगे जहां तक

इनका संबंध गिरवीशार के रूप में बंगाल ट्रूस एंड इंजीनियरिंग कं. (प्रा.) वि. कवरकता को शेयर धारिता ते है।

[सं. 15/9/84-बी.ओ. 3]

New Delhi, the 16th October, 1987

S.O. 3081.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the United Bank of India, Calcutta, for a period upto the 31st December, 1990 in so far as they relate to its holding of the shares in Bengal Tools and Engineering Co. (P) Ltd., Calcutta as pledgee.

[No. 15/9/84-B.O. III]

का.आ. 3082.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपर्युक्त 2 जुलाई, 1989 तक सेंट्रल बैंक आफ इंडिया, बम्बई पर उस सीमा तक लागू नहीं होंगे जहां तक इनका संबंध मैसर्स कोहिनूर मिल्स कम्पनी लि., बम्बई की दत पूँजी की 30 प्रतिशत से अधिक की शेयर धारिता से है।

[सं. 15/18/84-बी.ओ.-3]

प्राणनाथ, अवर सचिव

S.O. 3082.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act, shall not apply to the Central Bank of India, Bombay for a period upto 2 July 1989 in respect of its holding of shares in excess of 30 per cent of the paid up capital of M/s Kohinoor Mills Company Ltd., Bombay.

[No. 15/18/84-B.O. III]

PRAN NATH, Under Secy

नई दिल्ली, 21 अक्टूबर, 1987

का.आ. 3083.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपर्युक्त जलपाईगुड़ी, सेन्ट्रल को-ऑपरेटिव बैंक लि., जलपाईगुड़ी, पश्चिम बंगाल पर इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से 31 दिसम्बर, 1988 तक लागू नहीं होंगे।

[सं. एफ 8-1/87-ए. सी]

New Delhi, the 21st October, 1987

S.O. 3083.—In exercise of powers conferred by section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply

to the Jalpaiguri, Central Cooperative Bank Ltd., Jalpaiguri, West Bengal, from the date of publication of this notification in the official Gazette to 31 December, 1988.

[F.No. 8-1/87-AC]

का. आ. 3084.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध दि प्रोग्रेसिव को-आपरेटिव बैंक लि., बम्बई पर इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से 30 जून, 1988 तक की अवधि के लिए लागू नहीं होंगे।

[एफ. सं. 8-1/87 ए. सी.]

S.O. 3084.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the progressive Co-operative Bank Ltd., Bombay for the period from the date of publication of this notification in the Gazette of India to 30 June, 1988.

[No. F. 8-1/87-AC]

का. आ. 3085.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध अर्थात् को-आपरेटिव बैंक, देहरादून पर इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से 30 जून, 1990 तक की अवधि के लिए लागू नहीं होंगे।

[एफ. सं. 8-1/87 ए. सी.]

S.O. 3085.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on recommendation of the Reserve Bank of India, hereby declares that the provisions of Sub-section (1) of Section 11 of the said Act shall not apply to Urban Co-operative Bank Ltd., Dehradun for the period from the date of publication of this notification in the Gazette of India to 30 June, 1990.

[No. F. 8-1/87-AC]

नई दिल्ली, 23 अक्टूबर, 1987

का. आ. 3086.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के प्रावधान नेशनल को-आपरेटिव बैंक मर्यादित, बम्बई (महाराष्ट्र) पर इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से 30 जून, 1988 तक की अवधि के लिए लागू नहीं होंगे।

[एफ. सं. 8-1/87-ए. सी.]

के. पी. पाण्डियन, अवर सचिव

New Delhi, the 23rd October, 1987

S.O. 3086.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the National Co-operative Bank Ltd., Bombay for the period from the date of publication of this notification in the Gazette of India to 30th June, 1988.

[F. No. 8-1/87-AC]

K. P. PANDIAN, Under Secy.

नई दिल्ली, 21 अक्टूबर, 1987

का. आ. 3087.—राजभाषा नियमावली, 1976 के नियम 10 (4) के अन्तर्गत भारतीय साधारण बीमा नियम की सहायक कम्पनी दि ओरिएंटल इंश्योरेंस कं. लि. के निम्नलिखित मण्डलीय कार्यालय पहले ही अधिसूचित हैं।

- (1) मण्डल कार्यालय, इलाहाबाद
- (2) मण्डल कार्यालय, वाराणसी
- (3) मण्डल कार्यालय-2, कानपुर
- (4) मण्डल कार्यालय-3, कानपुर
- (5) मण्डल कार्यालय, मेरठ
- (6) मण्डल कार्यालय-1 लखनऊ
- (7) मण्डल कार्यालय, हरिद्वार
- (8) मण्डल कार्यालय-I, आगरा
- (9) मण्डल कार्यालय-II, आगरा

अब राजभाषा नियमावली, 1976 के नियम 8 (4) के अनुपालन में निम्नलिखित विषयों को जिन से सम्बन्धित समस्त कार्य दिनदी में किया जाना चाहिए, विनिर्दिष्ट करते का निश्चय किया गया है:

1. कार्यालय के अन्तः विभागों के टिप्पण (नोट्स)

2. चैक

3 सभी तरह के भुगतान वाउचर

4. छुट्टी के प्रावेदन पत्र

5. हाजिरी रजिस्टर

6. अन्तःकार्यालयों/विभागों तथा बाहर भेजे जाने वाले सभी प्रकार के नैमी विषयक मानक पत्र

[सं. 13011/6/87—हि. का. क.)]

New Delhi, the 21st October, 1987

S.O. 3087.—The following Divisional Offices of the Oriental Insurance Co. Ltd. an associate company of General Insurance Corporation of India have already been notified under Rule 10(4) of the Official Language Rule, 1976 :—

- (1) Divisional Office, Allahabad;
- (2) Divisional Office, Varanasi;
- (3) Divisional Office-2, Kanpur;
- (4) Divisional Office-3, Kanpur;
- (5) Divisional Office, Meerut;
- (6) Divisional Office-I, Lucknow;
- (7) Divisional Office, Haridwar;
- (8) Divisional Office-I, Agra;
- (9) Divisional Office-II, Agra,

It has now been decided to specify the following subjects relating to which the entire work should be done in Hindi in compliance of Rule 8(4) of the Official Language Rule, 1976 :—

1. Inter-departmental Notes of the office;
2. Cheques;
3. All types of Payment Vouchers;
4. Leave Application;
5. Attendance Register;
6. All types of routine standard letters to be sent to internal offices/Departments as well as to out side.

[No. 13011/6/87-HIC]

P. V. BHIDE, Director (Admn.)

(आर्थिक कार्यविभाग)

नई दिल्ली, 26 अक्टूबर, 1987

का. आ. 3088 :—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुमति में विस्त मन्त्रालय (आर्थिक कार्यविभाग) के प्रशासनिक नियंत्रण में स्थित भारतीय साधारण वीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. भारतीय साधारण वीमा निगम :

कम्पनी का नाम : (क) नेशनल इंशोरेंस कं. लि.,

- (1) शाखा कार्यालय, ई-1, गुरुनानक कालोनी, बूदी, राजस्थान।
- (2) शाखा कार्यालय, सीकर, राजस्थान।
- (3) शाखा कार्यालय, मेन बाजार, चुरू, राजस्थान।
- (4) शाखा कार्यालय, कालेज रोड, जलबाल सदन, व्यावर, राजस्थान।
- (5) शाखा कार्यालय, 3, संपर रोड, बीलपुर, राजस्थान।
- (6) शाखा कार्यालय, स्टेशन रोड, चित्तोड़गढ़, राजस्थान।
- (7) शाखा कार्यालय, स्टेशन रोड, नागौर, राजस्थान।
- (8) शाखा कार्यालय, सर्कुलर रोड, घटाघर, भिवानी, हरियाणा।

(ख) दिल्ली इंडिया कं. लि. इंशोरेंस

- (1) प्रादेशिक कार्यालय-I दिल्ली
- (2) प्रादेशिक कार्यालय-II

[सं. 11011/51/85-ह.का.क.]

पी. वी. मिहे, निदेशक

New Delhi, the 26th October, 1987

S.O. 3088.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (under the Administrative Control of Ministry

of Finance, Department of Economic Affairs) whereof more than 80 percent of staff have acquired working knowledge of Hindi :

1. General Insurance Corporation of India

Name of the Company : (A) National Insurance Co. Ltd.

- (1) Branch Office, D-I, Guru Nanak Colony, Bundi, Rajasthan;
- (2) Branch Office, Seekar, Rajasthan;
- (3) Branch Office, Main Bazar, Churu, Rajasthan;
- (4) Branch Office, College Road, Jalwal Sadan, Bawar, Rajasthan;
- (5) Branch Office, 3, Sampar Road, Dholpur, Rajasthan;
- (6) Branch Office, Station Road, Chittorgarh, Rajasthan;
- (7) Branch Office, Station Road, Nagour, Rajasthan;
- (8) Branch Office, Sarcular Road, Ghantaghar, Bhilwani, Haryana.

(B) The New India Assurance Co. Ltd. :

- (1) Regional Office-I, Delhi;
- (2) Regional Office-II, Delhi.

[No. F. 11011/51/85-HIC]

P. V. BHIDE, Director (Admn.)

(बैंकिंग प्रभाग)

नई विल्ली, 27 अक्टूबर, 1987

का. आ. 3089.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार निदेश देती है कि श्री ए. एम अब्दुल रशीद, लेपेरी हाऊस, नजदीक कलकटरेट जंक्शन, अलप्पी (केरल), जो भारत सरकार वित्त मन्त्रालय, आर्थिक कार्यविभाग (बैंकिंग प्रभाग) की दिनांक 31 अक्टूबर, 1984 की अधिसूचना संलग्न एफ. 9/29/84-बी ओ-1(3) के तहत इंडियन ओवरसीज बैंक के निदेशक नियुक्त किए गए थे, दिनांक 31 अक्टूबर, 1987 से निदेशक नहीं रहेंगे।

[संलग्न एफ. 9/37/87-बी ओ-1(3)]

(Banking Division)

New Delhi, the 27th October, 1987

S.O. 3089.—In exercise of the powers conferred by clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government is pleased to direct that Shri A. M. Abdul Rasheed, Leppery House, Near Collectorate Junction, Alleppey (Kerala) appointed as Director of the Indian Overseas Bank under notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division), No. F. 9/29/84-BO.I-(3) dated 31st October, 1984 shall cease to hold the office of Director with effect from 31st October, 1987.

[No. F. 9/37/87-BO.I(3)]

का. आ. 3090.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सप्कार निदेश देती है कि श्री मोहम्मद हबीब, ग्राम नियामतपुर, जाकाघर पाथरकट्टी, प्रखंड अजी, जिला गया (बिहार), जो भारत सरकार वित्त मन्त्रालय, आर्थिक कार्यविभाग (बैंकिंग प्रभाग) की दिनांक 31 अक्टूबर, 1984

की अधिसूचना संख्या एफ. 9/29/84-बी ओ-1(2) के तहत इलाहाबाद बैंक के निदेशक नियुक्त किए गए थे, दिनांक 31 अक्टूबर, 1987 से निदेशक नहीं रहेंगे।

[सं. एफ. 9/37/87-बी ओ-I(2)]

S.O. 3090.—In exercise of the powers conferred by clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government is pleased to direct that Shri Mohammad Habib, Village Niamatpur, P.O. Patherkatti, Block Atri, Distt. Gaya (Bihar) appointed as Director of the Allahabad Bank under notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, (Banking Division), No. F. 9/29/84-BO.I(2) dated 31st October, 1984 shall cease to hold the office of Director with effect from 31st October, 1987.

[No. F. 9/37/87-BO.I(2)]

का. आ. 3091.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निवेश देती है कि श्री इस्लाम सबीर, 59, सैलानी, बरेली (उत्तर प्रदेश), जो भारत सरकार वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 31 अक्टूबर, 1984 की अधिसूचना सं. एफ. 9/29/84-बी ओ-1(1) के तहत यूनाइटेड बैंक आफ इंडिया के निदेशक नियुक्त किए गए थे, दिनांक 31 अक्टूबर, 1987 से निदेशक नहीं रहेंगे।

[संख्या एफ. 9/37/87-बी ओ-1 (1)]

एम. एस. सीतारामन, अवर सचिव

S.O. 3091.—In exercise of the powers conferred by clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government is pleased to direct that Shri Islam Sabir, 59, Sailani, Bareilly (Uttar Pradesh), appointed as Director of the United Bank of India under notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, (Banking Division), No. F. 9/29/84-BO.I(1) dated 31st October, 1984 shall cease to hold the office of Director with effect from 31st October, 1987.

[No. F. 9/37/87-BO.I(1)]

M. S. SEETHARAMAN, Under Secy.

(व्यव विभाग)

नई दिल्ली, 15 अक्टूबर, 1987

का. आ. 3092.—राष्ट्रपति, संविधान के अनुच्छेद 77 के खण्ड (3) के अनुसरण में, वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम वित्तीय शक्तियों का प्रत्यायोजन (दूसरा संशोधन) नियम, 1987 है।
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त करेंगे।

2. वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 के नियम 18 के उपनियम (1) में, हूसरे परन्तुक के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“परन्तु यह और कि मंजूर की गई स्कीम के मूल प्राक्कलनों से, किसी योजना स्कीम की

दशा में, दस प्रतिशत या पांच करोड़ रुपए तक, इनमें से जो भी कम हो, और किसी योजनेतर स्कीम की दशा में, दस प्रतिशत या तीन करोड़ रुपए तक, इनमें से जो भी कम हो, अधिक व्यय की मंजूरी के लिए वित्त मंत्रालय का अनुमोदन तब तक अपेक्षित नहीं होगा, जब तक कि स्कीम या परियोजना में सारभूत परिवर्तन न किया गया हो”।

टिप्पणी—अधिसूचना सं. का.आ. 2131, तारीख 22 जुलाई 1978 द्वारा प्रकाशित वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 के बाद में निम्नलिखित द्वारा संशोधन किया गया :—

- (1) अधिसूचना सं. का.आ. 1887, तारीख 9-6-79
- (2) अधिसूचना सं. का.आ. 2942, तारीख 1-9-79
- (3) अधिसूचना सं. का.आ. 2611, तारीख 4-10-80
- (4) अधिसूचना सं. का.आ. 2164, तारीख 15-8-81
- (5) अधिसूचना सं. का.आ. 2303, तारीख 5-9-81
- (6) अधिसूचना सं. का.आ. 3073, तारीख 4-9-82
- (7) अधिसूचना सं. का.आ. 4171, तारीख 11-12-82
- (8) अधिसूचना सं. का.आ. 1314, तारीख 26-2-83
- (9) अधिसूचना सं. का.आ. 2502, तारीख 4-8-84
- (10) अधिसूचना सं. का.आ. 22, तारीख 5-1-85
- (11) शुद्धिपत्र सं. का.आ. 1958, तारीख 11-5-85
- (12) अधिसूचना सं. का.आ. 3082, तारीख 6-7-85
- (13) अधिसूचना सं. का.आ. 3974, तारीख 24-8-85
- (14) अधिसूचना सं. का.आ. 5641, तारीख 21-12-85
- (15) अधिसूचना सं. का.आ. 1548, तारीख 19-4-86
- (16) अधिसूचना सं. का.आ. 3183, तारीख 20-9-86
- (17) अधिसूचना सं. का.आ. 3787, तारीख 8-11-86
- (18) अधिसूचना सं. का.आ. 2508, तारीख 19-9-87

[फा.सं. 1(17)-ई-II (ए)/86]

डी. रामेश्वरन, अवर सचिव

(Department of Expenditure)

New Delhi, the 15th October, 1987

S.O. 3092.—In pursuance of clause (3) of article 77 of the Constitution of India, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1978, namely :—

1. (1) These rules may be called the Delegation of Financial Powers (Second Amendment) Rules, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In rule 18 of the Delegation of Financial Powers Rules, 1978, in sub-rule (1), for the second proviso, the following shall be substituted, namely :—

“Provided further that the approval of the Finance Ministry shall not be required to sanction excess expenditure over the original estimates of a sanctioned scheme upto ten per cent or rupees five crores whichever is less, in the case of plan scheme and

ten per cent or rupees three crores whichever is less, in the case of non-plan scheme, unless the scheme or project has been substantially altered :—

- (i) Notification No. S.O. 1887, dated 9-6-1979
- (ii) Notification No. S.O. 2942, dated 1-9-1979
- (iii) Notification No. S.O. 2611, dated 4-10-1980
- (iv) Notification No. S.O. 2164, dated 15-8-1981
- (v) Notification No. S.O. 2303, dated 5-9-1981
- (vi) Notification No. S.O. 3073, dated 4-9-1982
- (vii) Notification No. S.O. 4171, dated 11-12-1982
- (viii) Notification No. S.O. 1314 dated 26-2-1983.
- (ix) Notification No. S.O. 2502, dated 4-8-1984
- (x) Notification No. S.O. 22, dated 5-1-1985
- (xi) Corrigendum No. S.O. 1958, dated 11-5-1985
- (xii) Notification No. S.O. 3082, dated 6-7-1985
- (xiii) Notification No. S.O. 3974, dated 24-8-1985
- (xiv) Notification No. S.O. 5641, dated 21-12-1985
- (xv) Notification No. S.O. 1548, dated 19-4-1986
- (xvi) Notification No. S.O. 3183, dated 20-9-1986
- (xvii) Notification No. S.O. 3787, dated 8-11-1986
- (xviii) Notification No. S.O. 2508, dated 19-9-1987

[F. No. 1(17)/E.II (A)/86]

D. THYAGESWARAN, Under Secy.

समाहर्तालय केन्द्रीय उत्पाद शुल्क

नागपुर, 15 अक्टूबर, 1987

अधिसूचना क्रमांक 10/87

का.आ. 3093.—श्री एस.बी. कांजे, अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह “ब्ब” निवर्तन की आयु प्राप्त करने पर दिनांक 30-9-1987 को अपराह्न में शासकीय सेवा से निवृत्त हुए।

[का.सं. II (3)/5/87-स्था.-1/82867]

CENTRAL EXCISE COLLECTORATE

Nagpur, the 15th October, 1987

NOTIFICATION NO. 10/87

S.O. 3093.—Shri S. B. Kante, Superintendent, Central Excise Group 'B' of Nagpur Collectorate, having attained the age of superannuation retired from Government Service on 30-9-1987 in the afternoon.

[C. No. II(3)/5/87-Et. I/82867]

नागपुर, 19 अक्टूबर, 1987

अधिसूचना संख्या 11/87

का.आ. 3094.—समाहर्तालय केन्द्रीय उत्पाद शुल्क, नागपुर के श्री एम. एम. खान, प्रशासनिक अधिकारी, समूह “ब्ब”, निवर्तन की आयु प्राप्त करने पर दिनांक 30-9-87 के अपराह्न में शासकीय सेवा से निवृत्त हो गए।

[प. सं. II (3) 7/87/स्थापना-1/83782]

जीत राम फैत, उप समाहर्ता (कार्मिक एवं स्थापना)

87/1443 GL—2.

Nagpur, the 19th October, 1987

NOTIFICATION 11/87

S.O. 3094.—Shri M. S. Khan, Administrative Officer, Central Excise, Group 'B' of Nagpur Collectorate having attained the age of superannuation retired from Government service on 30-9-87 in the afternoon.

[C. No. II(3)/7/87-Et. I/83782]

J. R. KAIT, Collector(P&E)

वाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

नई दिल्ली, 23 अक्टूबर, 1987

आदेश

का.आ. 3095.—मैसर्स इन्स्ट्रुमेंट्स एण्ड कम्पोनेंट्स, देव नगर, ब्लाक नं. 5, करोन बाग, नई दिल्ली-110005 को आयात-निर्यात नीति 1985—88 के रक्ता संविदाओं के प्रावधानों के अधीन हेयर हाइग्रोमीटरों (110 नगों) के आयात करने के लिए 12,000/- रुपये (केवल बारह हजार) मूल्य का एक आयात लाइसेंस सं. जी/जी/3203992, दिनांक 17.-6-86 दिया गया था।

2. पार्टी ने अब उपर्युक्त लाइसेंस को मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति के लिए इस अधार पर आवेदन किया है कि मुद्रा विनिमय नियंत्रण प्रति को उनके बैंक सिडिकेट बैंक ने रिजर्व बैंक नई दिल्ली को दिया था और वह सम्बंधित बैंक में मिल नहीं रही है। अपने तर्क के समर्थन में उन्होंने आयात-निर्यात प्रतिक्रिया पुस्तक 1985-88 के अध्याय-2 के पैरा 86 द्वारा यथा अपेक्षित एक साप्त पत्र दाखिल किया है। यह अनुलिपि लाइसेंस के कुल मूल्य के लिए अपेक्षित है। पार्टी ने यदि मूल मुद्रा विनिमय प्रति बाद में मिल जाती है तो उसे लौटाने का भी वायदा किया है।

3. मै संतुष्ट हूं कि मूल लाइसेंस सं. जी/जी/3203992 दिनांक 17-6-1986 की मुद्रा विनिमय प्रति खो गई है समय-समय पर यथा-संशोधित आयात नियंत्रण आदेश 15 दिनांक 7-12-55 की उप-धारा 9(ङ) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैं आयात लाइसेंस सं. जी/जी/-3203992 दिनांक 17-6-86 की मुद्रा विनिमय नियंत्रण प्रति को एतद्वारा रद्द करता हूं। लाइसेंस को एतद्वारा रद्द की गई मूल मुद्रा विनिमय नियंत्रण प्रति के बदले में पार्टी को 254/- रुपये की अप्रयुक्त राशि के लिए अनुलिपि मुद्रा विनिमय नियंत्रण प्रति जारी की जा रही है।

[सं. 7/डेफ/इन्स्ट्रुमेंट्स एण्ड कम्पोनेंट्स/87]
एन. एम. कृष्णामूर्ती, उप मुख्य नियंत्रक, आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports)

New Delhi, the 23rd October, 1987

ORDER

S.O. 3095.—M/s. Instruments & Components, Dev Nagar, Block No. 5 Karol Bagh, New Delhi-110005 were granted an Import Licence No. G/G/3203992 dated 17-6-1986 for a cif value of Rs. 12,000/- only (Rupees Twelve Thousand only) for import of Hair Hygrometers (110 Nos.) under defence contract provisions of the Import and Export Policy 1985—88.

2. The party has now applied for issue of a duplicate copy of Exchange Control copy of the above-mentioned licence on the ground that the EC copy which was submitted by their Bankers, Syndicate Bank to Reserve Bank of India, New Delhi and the same is not traceable at the Bank concerned. In support of their contention, they have executed an affidavit as required under Para 86 of Chapter II of Handbook of Imports and Exports Procedure 1985—88. The duplicate licence is required for the total value licence. The party have undertaken to return the original Exchange Control Copy, if traced later, to this office.

3. I am satisfied that the Exchange Control copy of the Original Licence No. G/G/3203992 dated 17-6-1986 has been lost. In exercise of the powers conferred under sub-clause 9(e) of the Import Control Order 15 dated 7-12-55 as amended I hereby cancel the Exchange Control Copy of the Import Licence No. G/G/3203992 dated 17-6-1986. A duplicate Exchange Control copy is being issued to the party, in lieu of the original Exchange Control copy of the licence cancelled hereby for the unutilised amount of Rs. 254/-.

[No. 7-Def] Instruments & Components[87]

N. S. KRISHNAMURTHY, Dy. Controller
of Imports and Exports.

विदेश मंत्रालय

मई दिल्ली, 8 अक्टूबर, 1987

का.आ. 3096—राजनयिक और कौसलीय अफिसर
(शपथ और फीस) अधिनियम, 1948 (1948 का 41वां)

की धारा 2 के खंड (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास, रियाद में सहायक श्री एस.पी. गुप्ता और बी.डी. शर्मा, सहायकों को 7 अगस्त, 1987 से कौसली एजेंट का कार्य करने के लिये प्राधिकृत करती है।

[टी. 4330/2/87]

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 8th October, 1987

S.O. 3096.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers' (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise S/Shri S. P. Gupta and B. D. Sharma, both Assistants in the Embassy of India, Riyadh to perform the duties of Consular Agent with effect from 7th August, 1987.

[No. T. 4330/2/87]

का.आ. 3097—राजनयिक और कौसलीय अफिसर
(शपथ और फीस) अधिनियम, 1948 (1948 का 41वां)
की धारा 2 के खंड (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौसलावास, जेद्दाह में सहायक श्री अभिलाष कुमार सहायक को 24 अगस्त, 1987 से कौसली एजेंट का कार्य करने के लिये प्राधिकृत करती है।

[टी. 4330/2/87]

मई अहमद खान, उप सचिव (पीवी)

S.O. 3097.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Abhilash Kumar, Assistant in the Consulate General of India, Jeddah to perform the duties of Consular Agent with effect from 24th August, 1987.

[No. T. 4330/2/87]

SAYED AHMED KHAN, Dy. Secy

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 27 अक्टूबर, 1987

का.आ. 3098.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकश्रृंखला में यह आवश्यक है कि उत्तर प्रदेश में एच.बी.जे. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राप्तिकरण लि. द्वारा बिलाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिलाने का प्रयोजन के लिए एतदपावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और स्थनिज पाइपलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बाश्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राप्तिकरण लि. विकासदीप बिल्डिंग, 22, स्टेशन रोड, सखनऊ-226019 यू.पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर अक्षित विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उभको मुस्वाई व्यक्तिगत रूप से हो या किसी त्रिधि व्यवसायी की माफें।

पूरक/अनुपूरक वाद अनुसूची

एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	पुरानी संख्या		विवरण
					चक नं.	क्षेत्रफल/हेक्टर/एकड़/घीषा में	
1	2	3	4	5	6	7	8
उम्माव	उम्माव	हड्हा	रायपुर सातन	80	615/1 649 मि. 652 मि. चकमार्ग 649 मि. 652 मि. 652 मि. 653 मि. 132 652 मि. 653 मि. 649 मि. 645 मि. 646 मि. 648 मि. 91 646 मि. 689 690 691 692 686 685 674 684 मि. 675 मि. 4 23 2-14-10 63 676 0-16-0 677 678 679 680 681 682 668 695 मि. 696	0-4-0 0-3-0 0-0-10 0-0-10 0-0-15 0-19-0 0-2-0 0-0-5 0-1-0 0-5-0 0-6-10 0-0-5 0-0-10 0-0-5 0-7-0 0-4-0	विवरण

1	2	3	4	5	6	7	8
उप्राव	उप्राव	हड्डा	रायपुर	697			
			सातन	695 मि.	0-9-0		
				700	1-3-0		
				626	0-9-10		
				701	0-10-0		
				619	0-9-10		
				824	0-7-0		
				116	603 मि.	0-10-0	
					612 मि.		
			नाली	603 मि.	0-0-10		
				612 मि.			
				150 मि.	603 मि.	1-6-0	
					612 मि.		
					611 मि.		
					610 मि.		
					609 मि.		
				4	26	6-0-10	
				22	609 मि.	0-0-5	
					770 मि.	0-0-5	
					733	0-17-0	
					730	0-0-5	
					734	1-1-0	
				38	735 मि.	0-3-10	
					735 मि.	0-8-10	
					736	0-18-0	
					737 मि.	0-4-0	
					739	0-2-0	
			नाली		737 मि.	0-0-10	
					739 मि.		
					988 मि.		
					988 मि.	0-14-10	
				3	14	4-9-15	
				4	23	2-14-10	

1	2	3	4	5	6	7	8
				4	26	6-0-10	
				11	63	13-3-15	बीचा
						या	
						3. 3365 हेक्टेयर	

[सं. O-14 016/292/84-जी.पी.]

MINISTRY OF PETROLEUM & NATURAL GAS

Nek Delhi, the 27th October, 1987

S.O. 3098.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Limited.

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mine-

rals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Fresh/Supplimentary case (Schedule)

H.B.J. GAS PIPELINE PROJECT

District	Tehsil	Pargana	Village	Plot No.		Area in Hectare	Remarks
				Chak No.	Old No.		
1	2	3	4	5	6	7	8
Unnao.	Unnao	Harha	Raipur Satan	80	615/1 649/M 652 ..	0-4-0 0-3-0	
					Chak Marg 649 .. 652 .. 652 .. 653 .. 132	0-0-10 0-0-10 0-0-15 0-19-0	
					653 .. 649 .. 645 .. 646 .. 648 ..		
				91	646 .. 689 690 691 692 686 685 674 684 M 675	0-2-0 0-0-5 0-1-0 0-5-0 0-6-10 0-0-5 0-0-10 0-0-5 0-7-0 0-4-0	

1	2	3	4	5	6	7	8
Unnao	Unnao	Harha	Raipur Satan	63	676 677 678 679 680 681 682 668 695 M 696 697 695 M 700 626 701 619 824 116	0-16-0 0-9-0 1-3-0 0-9-10 0-10-0 0-9-10 0-7-0 0-10-0 0-0-10 612 „ 603 „ 612 M 603 „ 612 „ 611 „ 610 „ 609 „	
					4	26	6-0-10
				22	609 M 770 „ 733 730 734 38	0-0-5 0-0-5 0-17-0 0-0-5 1-1-0 735 M 735 „ 736 737 M 739	0-3-10 0-8-10 0-18-0 0-4-0 0-2-0
					Nali	737 M 739 „ 988 „ 988 „	0-0-10 0-14-10
				3	14	4-9-15	
				4	23	2-14-10	
				4	26	6-0-10	
				11	63	13-3-15 or 3.3365	Bigha Hectare

का.आ. 3099.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहृत में यह आवश्यक है कि उत्तर प्रदेश में एच.बी.जे. सक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिल्ड जानी चाहिए।

और, यतः, प्रतीत होता है कि ऐसी लाइनों को बिछाने का प्रयोजन के लिए एतदपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बताये कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के भीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. विकासवीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 यू.पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

पूरक/अनुपूरक वाद अनुसूची
एच.बी.जे. गैस पाइप लाइन प्रोजेक्ट

अनपव	तहसील	परगना	ग्राम	गाटा सं.		क्षेत्रफल/हेक्टेयर/ एकड़ी/बीघा में	विवरण
				चक नं.	पुरानी संख्या		
1	2	3	4	5	6	7	8
उप्राव	उप्राव	हड्हा	दौलतपुर	153	279 मि. 280 मि.	0-4-5	
				157	279 मि. 280 मि.	0-7-15	
				72	279 मि. 280 मि.	0-3-10	
			चक मार्ग		280 मि.	0-0-10	
			94		280 मि.	0-0-5	
			251		280 मि. 281 मि. 286 मि. 289 मि.	0-18-0	
				260	288 मि. 289 मि.	0-5-10	
			चक मार्ग		289 मि.	0-0-10	
			152		289 मि. 290 मि. 291 मि.	0-10-15	
				266	291 मि. 267 मि.	0-4-10	
				10	20	2-15-10	
				62	267 मि. 267 मि.	0-4-0 0-0-10	
				265	266 मि. 267 मि.	0-9-10	

1	2	3	4	5	6	7	8
उन्नाव	उन्नाव	हर्हा	दौलतपुर		292 मि 293 मि. 265 मि. 37 265 मि. 260 मि. 264 मि. 301 मि. 302 मि. 167 मि. 233 133 मि. 227 133 मि. 134 मि.	0-1-5 0-1-15 0-6-16 0-11-0 0-1-0 0-2-15 0-3-10 0-3-0 0-11-0 0-8-10 0-6-10	
				5	16	3-10-10	
				10	20	2-15-10	
				15	36	6-6-0 या 1. 5939	बीघा हैक्टेयर
							[स. O-14016/298/84-जी पी]

S.O. 3099.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Limited.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act.

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Fresh /Supplementary case (Schedule)

H.B.J. GAS PIPELINE PROJECT

District	Tehsil	Pargana	Village	Plot No.	Area in Hectare		Remarks
					Chak No.	Old No.	
1	2	3	4	5	6	7	8
Unnao	Unnao	Harha	Daulatpur	153 157 72 Chak Marg 94 251	279 M 280,, 279,, 280,, 279,, 280,, 280,, 280,, 280,,	0-4-5 0-7-15 0-3-10 0-0-10 0-0-5 0-18-0	

1	2	3	4	5	6	7	8
---	---	---	---	---	---	---	---

				281			
				286			
				289 ..			
			260	288 ..	0-5-10		
				289 ..			
			Chakmarg	289 ..	0-0-10		
			152	289 ..	0-10-15		
				290 ..			
				291 ..			
			266	291 ..	0-4-10		
			267	267 ..			

10	20	2-15-10
----	----	---------

Unnao	Unnao	Harha	Daulatpur	62	267 M	0-4-0	
				267 ..	0-0-10		
			265	266 ..	0-9-10		
				267 ..			
				292 ..	0-1-5		
				293 ..	0-1-15		
				265 ..	0-6-10		
			37	265 ..	0-11-0		
				260	0-1-0		
				264 ..	0-2-15		
				301 ..	0-3-10		
				302 ..	0-3-0		
				167 ..	0-11-0		
			233	133 ..	0-8-10		
			227	133 ..	0-6-10		
			134	134 ..			
				5	16	3-10-10	
				10	20	2-15-10	
				15	36	6-6-0 Bigha or 1.5939 Hactare	
						[No. O-14016/298/84-GP]	

का.आ. 3100.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी.जे. तक पैट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि० द्वारा विधाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को विधाने का प्रयोजन के लिए एतदूपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उस में उपयोग का अधिकार अंजित करने का अपना आशय एतदूरा घोषित किया है;

विश्वें कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन विधाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि०, विकासदीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019, यू.पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करते वाला हर व्यक्ति विनियोगिता: यह भी कथन करेगा कि कथा वह चाहता है कि उसकी मुमिनाई व्यक्ति-
गत रूप से हो या किसी विधि व्यवसायी की मार्फत:—

अनुप्रक वाद अनुसन्धी
एच बी.जे. गैस पाइपलाइन प्रोजेक्ट्स

जनपद	तहसील	परगना	ग्राम	प्लाट नं.	क्षेत्रफल एकड़ में	विवरण
1	2	3	4	5	6	7
उम्राव	पुरवा	भौरावा	संदाना	1266	0-0-16	
				1265	0-0-5	
				1257	0-0-10	
				1287	0-1-17	
				1358	0-1-5	
				1355	0-6-10	
				1352	0-8-0	
				1351	0-0-10	
				1350 ए	0-2-0	
				1311	1-1-0	
				1313	0-7-0	
				1176	0-7-15	
				1175	1-0-0	
				1320	0-2-10	
				1172	0-6-15	
				1162	0-7-0	
				1173	0-0-10	
				1159	0-13-5	
				1156	0-4-0	
				1157	0-0-15	
			चक मार्ग		0-0-2	
				991	1-7-0	
				992	0-1-0	
				994	0-2-10	
				995	0-4-18	
				996	0-0-5	
				1000	0-3-15	
				1001	0-7-10	
				1003	0-7-15	
				1009	0-0-8	
				1010	1-3-10	
				855	0-5-5	
				205	0-10-0	
				204	0-8-10	

1	2	3	4	5	6	7
				201	0-8-0	
				202	0-2-10	
				203	0-1-10	
			37		11-5-11	ब्रीघा धोग
					या	
					2.8532 हेक्टेयर	
						[सं. ओ-14016/413/84-जो. पी.]

S.O. 3100.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Limited ;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019, U.P. ;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner :—

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Unnao	Purwa	Maurawan	Sandana	1266	0-0-16	
				1265	0-0-5	
				1257	0-0-10	
				1287	0-1-17	
				1358	0-1-5	
				1355	0-6-10	
				1352	0-8-0	
				1351	0-0-10	
				1350A	0-2-0	
				1311	1-1-0	
				1313	0-7-0	
				1176	0-7-15	
				1175	1-0-0	
				1320	0-2-10	
				1172	0-6-15	
				1162	0-7-0	
				1173	0-0-10	
				1159	0-13-5	
				1156	0-4-0	
				1157	0-0-15	
				पर्व. मार्ग	0-0-2	
				991	1-7-0	

1	2	3	4	5	6	7
Unnao	Purwa	Maurawna	Sandana	992 994 995 996 1000 1001 1003 1009 1010 855 205 204 201 202 203 37	0-1-0 0-2-10 0-4-18 0-0-5 0-3-15 0-7-10 0-7-15 0-0-8 1-3-10 0-5-5 0-10-0 0-8-10 0-7-0 0-2-10 0-1-10 11-5-11	
						2-8532

[No. O-14016/413/84-GP]

का० आ० 3101—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाईपलाईन भारतीय गैस प्राप्तिकारण लि. द्वारा बिलाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी साईनों को बिलाने का प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बासरे कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाईप लाईन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., विकासदीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019, यू. पी. को इस अविसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुपूरक वाद अनुसूची
एच. बी. जे. गैस पाईप लाईन प्रोजेक्ट

आमपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्र फल	विवरण
1	2	3	4	5	6	7
उत्तराखण्ड	उत्तराखण्ड	हड्हा	चपरी शाहपुर	825 826 913 914 916	0-0-5 0-0-5 0-0-10 0-1-7 0-2-0	
				5	0-4-7	

[सं. O-14016/57/84 जी पी.]

S.O. 3101.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Limited;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019 U.P.;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner:

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in Bigha	Remark
1	2	3	4	5	6	7
Unnao	Unnao	Haraha	Chapri	825	0-0-5	
			Shahpur	826	0-0-5	
				913	0-0-10	
				914	0-1-7	
				916	0-2-0	
				5	0-4-7	

[No. O-14016/57/84-GP]

का. आ. 3101—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाईपलाईन भारतीय गैस प्राधिकरण लि. द्वारा बिलाई जानी चाहिए;

और यतः प्रतीत होता है कि ऐसी लाईनों को बिलाने का प्रयोजन के लिए एक्सप्रेस अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है;

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अंजेन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है :

बाशर्ते कि उक्ता भूमि में हिस्थाप्त कोई व्यक्ति उस भूमि के भीचे पाईप लाईन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. विकासदीप विलिंग, 22, स्टेशन रोड, लखनऊ-226019 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह जाह्शा है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुप्ररक वाद अनुसूची

एच. बी. जे. गैस पाईप लाईन प्रोजेक्ट

जनपद	तहसील	परगाना	ग्राम	गाटा सं.	भेवफल बीडे में	विवरण
1	2	3	4	5	6	7
बरेली	बोखला	बोखला	इस्लामाबाद	398	0-15-16	
				399	0-9-10	
				2	1-5-6	

[सं. O-14016/445/85-जी पी]

S.O. —Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Limited;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019 U.P.;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

**SUPPLEMENTARY CASE (SCHEDULE)
H.B.J. GAS PIPE LINE PROJECT**

District	Tahsil	Pargana	Village	Plot No.	Area in Bigha	Remark
1	2	3	4	5	6	7
Bareilly	Aonla	Aonla	Islamabad	398 399	0-15-16 0-9-10	
				2	1-5-6	

[No. O-14016/445/85-GP]

का. आ. 3103—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाईपलाईन भारतीय गैस प्राधिकरण लि. द्वारा बिछाइ जानी चाहिए;

और यतः प्रतीत होता है कि ऐसी लाईनों को बिछाने का प्रयोजन के लिए एतदपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है:

बशतें कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. विकासदीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ 226019 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफंत।

अनुप्रारक्षाद अनुसूची

एच. बी. जे. गैस पाईप लाईन प्रोजेक्ट

जनपद	तहसील	परगाना	ग्राम	गांठ सं.	क्षेत्रफल बीघे में	विवरण
1	2	3	4	5	6	7
बरेली	आंवला	आंवला	महतिया डाढ़ी	497 494 500 499 498 495	0-1-0 0-4-15 0-1-0 0-7-0 0-2-0 0-4-0	
				6	0-19-15	

[सं. O/14016/450/85-जी. पी.]

S.O. 3103.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Limited;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019 U.P.;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in Bigha	Remark
1	2	3	4	5	6	7
Bareilly	Aonla	Aonla	Mahatiya Dandi	497	0-1-0	
				494	0-4-15	
				500	0-1-0	
				499	0-7-0	
				498	0-2-0	
				495	0-4-0	
				6	0-19-15	

[No. O-14016/450/85-GP]

का. आ. 3104 :—अतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोक द्वितीय में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिल्डाई जानी चाहिए;

और यह प्रतीत होता है कि ऐसी लाइनों को बिल्डाने वा प्रयोजन के लिए एतत्पावड़ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एन्डद्वारा घोषित किया है:

वर्णते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिल्डाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. विकासदीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट है कि वह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

अनुपूरक वाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जन पद	तहसील	परगना	ग्राम	गाडा सं.	क्षेत्रफल बीघे में	विवरण
1	2	3	4	5	6	7
उन्नाथ	उन्नाव	हथहा	भैसई चतुर	13	0-4-10	
				14	0-7-10	
				15	0-4-15	
				16	0-10-10	
				19	0-1-0	

1	2	3	4	5	6	7
उम्माब	उम्माब	हड्हा	भैसई घरुर	50	0-16-10	
				49	0-0-10	
				51	0-14-10	
				45	0-6-10	
				44	0-1-5	
				43	0-13-0	
				58	0-0-15	
				196	0-0-5	
				66	0-6-15	
				67	0-5-10	
				68	0-5-10	
				69	0-0-10	
				110	0-2-10	
				111	0-11-0	
				112	0-7-15	
				113	0-4-15	
				114	0-1-10	
				106	0-9-5	
				105	0-0-10	
				104	0-1-0	
				116	0-1-5	
				148	0-0-5	
				160	0-17-0	
				161	0-0-10	
				162	0-0-5	
				163	1-5-10	
				165	0-0-5	
				166	0-0-2	
				167	0-0-3	
				34	9-3-5	
				168	0-12-0	
				169	0-18-10	
			नाली		0-0-10	
			270		1-1-0	
			269		0-0-10	
			268		0-7-10	
			271		0-0-10	
			280		0-2-5	
			277		0-7-5	
			276		0-7-5	
			275		0-7-15	
			274		0-7-0	
			273		0-8-0	
			272		0-0-10	
			225		0-6-0	
			298		0-0-5	

(1)	(2)	(3)	(4)	(5)	(6)	(7)
				299	0-0-10	
				302	0-2-0	
				301	0-4-5	
				300	0-1-1-0	
				311	0-0-5	
				312	0-1-0	
				313	0-0-10	
				319	0-3-15	
				318	0-16-15	
				315	0-16-15	
				314	0-3-0	
				316	0-1-5	
				317	0-16-10	
				321	0-0-5	
				518	0-0-5	
				31	9-7-15	
				34	9-3-5	
				65	18-11-0 बीघा	
					4. 6962 हेक्टर	
						[सं. O-14016/294/84-जीपी]

S.O. 3104.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Comptent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Supplementary Case (Schedule)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Unnao	Unnao	Harha	Bhanisi Chatur	13	0-4-10	
				14	0-7-10	
				15	0-4-15	
				16	0-10-10	
				19	0-1-0	
				50	0-16-10	
				49	0-0-10	
				51	0-14-10	
				45	0-6-10	
				44	0-1-5	
				43	0-13-0	

1	2	3	4	5	6	7
Unnao	Unnao	Harha	Bhanisi Chatur	58	0-0-15	
				196	0-0-5	
				66	0-6-15	
				67	0-5-10	
				68	0-5-10	
				69	0-0-10	
				110	0-2-10	
				111	0-11-0	
				112	0-7-15	
				113	0-4-15	
				114	0-1-10	
				106	0-9-5	
				105	0-0-10	
				104	0-1-0	
				116	0-1-5	
				148	0-0-5	
				160	0-17-0	
				161	0-0-10	
				162	0-0-5	
				163	1-5-10	
				165	0-0-5	
				166	0-0-2	
				167	0-0-3	
				34	9-3-5	
				168	0-12-0	
				169	0-18-0	
				नाती	0-0-10	
				270	1-1-0	
				269	0-0-10	
				268	0-7-10	
				271	0-0-10	
				280	0-2-5	
				277	0-7-5	
				276	0-7-5	
				275	0-7-15	
				274	0-7-0	
				273	0-8-0	
				272	0-0-10	
				225	0-6-0	
				298	0-0-5	
				299	0-0-10	
				302	0-2-0	
				301	0-4-5	
				300	0-14-0	
				311	0-0-5	
				312	0-1-0	
				313	0-0-10	

1	2	3	4	5	6	7
				319	0-3-15	
				318	0-16-15	
				315	0-16-15	
				314	0-3-0	
				316	0-1-5	
				317	0-16-10	
				321	0-0-5	
				518	0-0-5	
				31	9-7-15	
				34	9-3-5	
				65	18-11-0	
					OR	
					4.6962	

[No. O-14016/294/84-GP]

का.आ. 3105. —यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 566 (ई) तारीख 8-6-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अनना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच.वी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा गं.	धेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	विधुना	विधुना	असिनी	959	0-0-4	[सं. ओ-14016/7/84-जीपी)

S.O. 3105.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas, S.O. 566(E) dated 8-6-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user, in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

**Supplimentary Case (Schedule)
H.B.J. GAS PIPE LINE PROJECT**

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Asini	959	0-0-4	

[No. O-14016/7/84-GP]

का. आ. 3106:—यतः पेट्रोलियम और बनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस भंवानय की अधिसूचना का. आ. म. 659 दिनांक 2-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनूसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर वचार करने के पश्चात् इस अधिसूचना से संलग्न अनूसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित है कि इस अधिसूचना में संलग्न अनूसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोगजन के लिए एवं द्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी बाधाओं पर मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनूसूची

ग्राम पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिवरामऊ	तालग्राम	तमियामऊ	नाली 406 मि. 447 396 मि. ८ 406 मि. ९ 199 406 मि. 235 406 मि. 311 406 मि. 438 406 मि. 439 407 मि.	0-0-1 0-0-8 0-0-5 0-0-3 0-0-4 0-0-4 0-0-3	

1	2	3	4	5	6	7
			322	407 मि.	0-14	
				408 मि.		
				312 मि.		
		नाली	406		0-12	
			407			
			408			
			409			
			412			
			413			
		321ए	410 मि.	0-63		
			411 मि.			
			412 मि.			
			413 मि.			
		321	414	0-02		
		343प	385 मि.	0-04		
			386 मि.			
		343-बी	385 मि.	0-54		
			386 मि.			
		42	313 मि.	0-68		
			314 मि.			
			315 मि.			
			383 मि.			
			385 मि.			
				2-54 एकड़		

फर्स्टखावाद	छिवरामऊ	नालग्राम	तमियामऊ	चक	315 मि.	0-01
		मार्ग		मार्ग		
		2	315 मि.		0-13	
			319 मि.			
		212	407 मि.		0-05	
			409 मि.			
		215	407 मि.		0-06	
		74	407 मि.		0-08	
		418	406 मि		0-09	
			407 मि.			
		357	406 मि.		0-03	
		449	406 मि.		0-02	
		358	406 मि.		0-03	
			चक ग्राहर नम्बर			
			390		0-02	
			382		0-10	
			381		0-47	
			376		0-16	
			375		0-10	
			374		0-10	

1	2	3	4	5	6	7
				373	0-16	
				372	0-07	
				371	0-47	
					2-15	
					2-45	
				योग	4-60 एकड़	

ह.।-
(सक्षम प्राधिकारी)
गैस अर्थात् आक इण्डिया लि.
लखनऊ
[सं. ओ-14016/106/85-जी पी]
अनुप मिश्र, उप सचिव

S.O. 3106.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas, S.O. 659 dated 2-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Farrukhabad	Chhobra Mau	Talgram	Tamiya Mau	Nali 447	406 Mi 396 Mi 406 Mi	0-01 0-08
				199	406 Mi	0-05
				235	406 Mi	0-03
				311	406 Mi	0-04
				438	406 Mi	0-04
				439	407 Mi	0-03
				322	407 Mi 408 Mi	0-14
					392	
					Nali 406	0-12
					407	
					408	
					409	
					412	
					413	

1	2	3	4	5	6	7
				321A	410 Mi	0-63
					411 Mi	
					412 Mi	
					413 Mi	
				321 A	414	0-02
				343 A	385 Mi	0-04
					386 Mi	
				343B	385 Mi	0-54
					386 Mi	
				42	313 Mi	
					314 Mi	
					315 Mi	
					383 Mi	
					385 Mi	
						2-45 acres
Farrukhabad	Chhibra Mau	Talgram	Tamlyamau	Chuk Marg	315 Mi	0-01
			2	315 Mi		0-13
				319 Mi		
			212	407 Mi		0-05
				409 Mi		
			215	407 Mi		0-06
			74	407 Mi		0-08
			418	406 Mi		0-09
				407 Mi		
			357	406 Mi		0-03
			449	406 Mi		0-02
			358	406 Mi		0-03
				Chukaut No.		
				390		0-02
				382		0-10
				381		0-47
				376		0-16
				375		0-10
				374		0-10
				373		0-16
				372		0-07
				371		0-47
						2-15
						2-45
						4-60

Sd/-

Competant Authority
Gas Authority of India Limited
Lucknow

[No. O-14016/106/85-GP]

नई दिल्ली, 27 अक्टूबर, 1987

का.आ. 3107.—चूंकि गैस अथारिटी आंफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्लाज 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 31-8-87 को पूर्ण कर दिया है।

अतः, मैं, व्ही.पी. अजमेरा सक्षम प्राधिकारी उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य : मध्यप्रदेश जिला : ज्ञाबुआ तहसील : ज्ञाबुआ

अनुसूची

अनु.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	पाड़लधाटी	31-8-87

New Delhi, the 27th October, 1987

S.O. 3107.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipe line Act, 1962 in following villages on 31-8-87.

I, V.P. Ajmera Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the petroleum and Minerals Pipeline Rules 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State M.P. District Jhabua Tahsil Jhabua

S. No.	Name of the village	Date of termination of the operation
1.	Padal Ghati	31-8-87

का.आ. 3108.—चूंकि गैस अथारिटी आंफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्लाज 1 धारा 7(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 3-9-87 को पूर्ण कर दिया है।

अतः मैं, व्ही.पी. अजमेरा सक्षम प्राधिकारी उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य : मध्य प्रदेश जिला : धारा तहसील : बदनावर

अनुसूची

अनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
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1.	संदला	3-9-87
2.	तिलगारा	3-9-87
3.	मुखाथान	3-9-87
4.	धमाना	3-9-87
5.	काढीबड़ौदा	3-9-87
6.	करौदा	3-9-87

S.O. 3108.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 3-9-87.

I, V.P. Ajmera Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State : M.P. District : Dhar Tahsil : Badnawar

S. No.	Name of the village	Date of termination of the operation
1.	Sandla	3-9-87
2.	Tilgara	3-9-87
3.	Multhan	3-9-87
4.	Dhamna	3-9-87
5.	Kachibaroda	3-9-87
6.	Karoda	3-9-87

का.आ. 3109.—चूंकि गैस अथारिटी आंफ इण्डिया लिमिटेड ने धारा 6(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्लाज 1 धारा 7(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 7-9-87 को पूर्ण कर दिया है।

अतः मैं, व्ही.पी. अजमेरा सक्षम प्राधिकारी उज्जैन नियम 4(1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य मध्य प्रदेश जिला उज्जैन तेहसील बड़नगर
अनुसूची

प्रनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	मालपुरा	7-9-87
2.	महुडीग्राम	—"—
3.	मकडावन	—"—
4.	सुवासा	—"—

S.O.3109.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7 (1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 7-9-87.

I, V.P. Ajmera, Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State M.P. District Ujjain Tahsil Badnagar

S. No.	Name of the village	Date of termination of the operation
1.	Malpura	7-9-87
2.	Mahudalam	7-9-87
3.	Makdawan	7-9-87
4.	Suwasa	7-9-87

का. आ. 3110.—कूंकि गैस अथारिटी ग्रांफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवं वह निम्न ग्रामों में क्लाज 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 7-9-87 को पूर्ण कर दिया है।

अतः मैं, ज्ञी. पी. अजमेरा, सक्षम प्राधिकारी उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य मध्यप्रदेश जिला उज्जैन तेहसील खाचरोद

अनुसूची

प्रनु. क्र.	ग्राम नाम	कार्य समाप्ति का दिनांक
1.	रामाकालोदा	7-9-87
2.	खोखरी	—"—
3.	सूरजाखेड़ी	—"—

S.O.3110.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7 (1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 7-9-87.

I, V.P. Ajmera, Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State M.P. District Ujjain Tahsil Khachrod

S. No.	Name of the village	Date of termination of the operation
1.	Rmambaloda	7-9-87
2.	Khokari	7-9-87
3.	Surjakhedi	7-9-87

का. आ. 3111.—कूंकि गैस अथारिटी ग्रांफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवं वह निम्न ग्रामों में क्लाज 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 4-9-87 को पूर्ण कर दिया है।

अतः मैं, ज्ञी. पी. अजमेरा, सक्षम प्राधिकारी उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य मध्यप्रदेश जिला उज्जैन तेहसील बड़नगर

अनुसूची

प्रनु. क्र.	ग्राम नाम	कार्य समाप्ति का दिनांक
1.	मुड़त	4-9-87
2.	बालोद हसन	—"—
3.	हरनावदा	—"—

S.O.3111.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7 (1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 4-9-87.

I, V.P. Ajmera, Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State	M.P.	District	Ujjain	Tahsil	Badnagar
			S. No.	Name of the village	Date of termination of the operation
1.	Mundat			4-9-87	
2.	Baloda Hassan			4-9-87	
3.	Harnawada			4-9-87	

का. आ. 3112.—चूंकि गैस अथारिटी आंफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप साइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवं वह निम्न ग्रामों में क्लास 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप साइन डालने का कार्य दिनांक 31-8-87 को पूर्ण कर दिया है।

अतः मैं, व्ही. पी. अजमेरा, सक्षम प्राधिकारी उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य मध्य प्रदेश जिला झामुआ तेहसील पेटलावद
अनुसूची

अनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	झावलिया	31-8-87
2.	सोयला	—"—
3.	अलस्याखेड़ी	—"—
4.	खपारेल	—"—
5.	बावड़ी	—"—
6.	सजेलिया	—"—
7.	बरवेट	—"—
8.	खपारेल	—"—
9.	रसानिया	—"—
10.	गम्बापाड़ा	—"—
11.	जावड़ी	—"—
12.	बेगनबड़ी	—"—
13.	झोड़ात्या	—"—
14.	लालपुरा	—"—
15.	महूड़ीपाड़ा	—"—

S.O. 3112.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6 (1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7 (1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 31-8-87.

I, V.P. Ajmera, Competent Authority Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State M.P. District Petlawad Tahsil Jhabua

S. No.	Name of the village	Date of termination of the operation
1.	Dhawalia	31-8-87
2.	Soyala	31-8-87
3.	Alsiakhedi	31-8-87
5.	Ruparail	31-8-87
6.	Bawadi	31-8-87
7.	Sahelia	31-8-87
8.	Barabat	31-8-87
9.	Ruparail	31-8-87
10.	Rasamia	31-8-87
11.	Gabbapada	31-8-87
12.	Dhabadi	31-8-87
13.	Begum Berdi	31-8-87
14.	Bodayata	31-8-87
15.	Lalpura	31-8-87
16.	Mahudiapada	31-8-87

का. आ. 3113.—चूंकि गैस अथारिटी आंफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवं वह निम्न ग्रामों में क्लास 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 3-9-87 को पूर्ण कर दिया है।

अतः मैं, व्ही. पी. अजमेरा, सक्षम प्राधिकारी उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य मध्यप्रदेश जिला उज्जैन तेहसील बड़नगर
अनुसूची

अनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	मुन्दराबाद	3-9-87
2.	बालोबालखा	—"—
3.	जालोद संजर	—"—
4.	अजड़ावदा	—"—
5.	मिल्का	—"—
6.	कमानपुरा	—"—
7.	कल्याणपुरा	—"—

S.O. 3113.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause I of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 3-9-87.

I, V.P. Ajmera, Competent Authority Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State	M.P.	District	Ujjain	Tehsil	Badnagar
S. No.	Name of the Village			Date of termination of the operation	
1.	Sunderabad			3-9-87	
2.	Balodalakha			3-9-87	
3.	Jalod Sanjar			3-9-87	
4.	Ajadawada			3-9-87	
5.	Mindaka			3-9-87	
6.	Kamanpur			3-9-87	
7.	Kalyanpura			3-9-87	

का. आ. 3114:—चूंकि गैस अथारिटी आफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में वर्णए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्राम में क्लाऊ 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 3-9-87 को पूर्ण कर दिया है।

अतः मैं, ब्लू. पी. अजमेरा, सक्रम प्राधिकारी उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इस ग्राम में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य मध्यप्रदेश जिला रत्नाम तहसील रत्नाम

अनुसूची

अन. क्र.	नाम ग्राम	कार्य समाप्ति की दिनांक
1.	सुजाना	3-9-87

S.O.3114—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause I of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 3-9-87.

I, V.P. Ajmera Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State : M.P.	District : Ratlam	Tahsil : Ratlam
S. No.	Name of the village	Date of termination of the operation
1.	Sujhana	3-9-87

का. आ. 3115.—चूंकि गैस अथारिटी आफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में वर्णए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्लाऊ 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 17-9-87 को पूर्ण कर दिया है।

अतः मैं, ब्लू. पी. अजमेरा, सक्रम प्राधिकारी उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूँ।

राज्य मध्यप्रदेश जिला उज्जैन तहसील रत्नाम

अनुसूची

अन. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	आबड़ाराजपुर	17-9-87
2.	लालखेड़ी	—"—
3.	स्पाखेड़ी	—"—
4.	कड़ाई	—"—
5.	चिकली	—"—
6.	भोड़ल्या	—"—
7.	बरोठिया	—"—
8.	सुचाई	—"—
9.	माकड़ोन	—"—
10.	भगवतपुरा	—"—
11.	कड़ोदिया	—"—
12.	बगवाड़ी	—"—
13.	हांखेड़ी	—"—
14.	बूखारी	—"—
15.	सालनाखेड़ी	—"—
16.	रेहवारी	—"—

S.O.3115.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 17-9-1987.

I, V.P. Ajmera, Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State : M.P.	District : Ujjain	Tahsil : Tarana
S. No.	Name of the village	Date of termination of the operation
1.	Dabda Rajput	17-9-1987
2.	Lalakhedi	17-9-1987
3.	Rupakhedi	17-9-1987
4.	Kadal	17-9-1987
5.	Chikali	17-9-1987
6.	Bhodalya	17-9-1987
7.	Barathiya	17-9-1987
8.	Suchal	17-9-1987
9.	Makdon	17-9-1987
10.	Bhagatpura	17-9-1987
11.	Kadodiya	17-9-1987
12.	Bagwada	17-9-1987
13.	Harukhedi	17-9-1987
14.	Rukhari	17-9-1987
15.	Salonakhedi	17-9-1987
16.	Rehwari	17-9-1987

का. आ. 3116.—कूंकि गैस अथारिटी और इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्षात्र 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य दिनांक 14-9-87 को पूर्ण कर दिया है।

अतः मैं, क्षी. पी. अजमेरा, सक्षम प्राधिकारी, उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति का दिनांक अधिसूचित करता हूं।

राज्य मध्यप्रदेश जिला उज्जैन तेहसील महिलपुर
अनुसूची

अनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	मैलावेड़ा	14-9-87
2.	पलवा	—"—
3.	जगोटी	—"—

S.O. 3116.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 14-9-1987.

I, V.P. Ajmera Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the abovementioned date as the date of termination of operation laying the pipeline in these Villages.

State : M.P.	District : Ujjain	Tahsil : Mohidpur
S. No.	Name of the village	Date of termination of the operation
1.	Belakheda	14-9-1987
2.	Palwa	14-9-1987
3.	Dagoti	14-9-1987

का. आ. 3117.—कूंकि गैस अथारिटी आफ इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्षात्र 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन एक्ट, 1962 में उल्लेखित पाइप लाइन डालने का कार्य विमांक 14-9-87 को पूर्ण कर दिया है।

अतः मैं, क्षी. पी. अजमेरा, सक्षम प्राधिकारी, उज्जैन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम, 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइप लाइन डालने के कार्य की समाप्ति की विमांक अधिसूचित करता हूं।

राज्य मध्य प्रदेश जिला शाजापुर तेहसील आगर

अनुसूची

अनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	आकाशेड़ी	14-9-87
2.	चांदनगांव	—"—
3.	आक्या भाटी	—"—
4.	सुतड़ा	—"—
5.	बटावडा	—"—

S.O. 3117—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 14-9-1987.

I, V.P. Ajmera, Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

State : M.P.	District : Shahapur	Tahsil : Agar
S. No.	Name of the village	Date of termination of the operation
1.	Chachakhedi	14-9-1987
2.	Chandan Gaon	14-9-1987
3.	Akyabati	14-9-1987
4.	Suteda	14-9-1987
5.	Beta wada	14-9-1987

का. आ. 3118.—सूक्त गैस अथारिटी और इण्डिया लिमिटेड ने धारा 6 (1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन एक्ट, 1962 के अन्तर्गत पाइप लाइन डालने हेतु निम्नलिखित अनुसूची में दर्शाए ग्रामों में उपयोग अधिकार अर्जन किया है एवम् वह निम्न ग्रामों में क्लाज 1 धारा 7 (1) पेट्रोलियम एण्ड मिनरल्स पाइपलाइन एक्ट, 1962 में उल्लेखित पाइपलाइन डालने का कार्य दिनांक 17-9-87 को पूर्ण कर दिया है।

अतः मैं, अ. व्ही. पी. अजमेरा, सकाम प्राधिकारी उच्चान्वयन नियम 4 (1) पेट्रोलियम एण्ड मिनरल्स पाइप लाइन नियम 1963 के अन्तर्गत एतद्वारा निम्न उल्लेखित दिनांक को इन ग्रामों में पाइपलाइन डालने के कार्य की समाप्ति का विनांक अधिसूचित करता हूँ।

अनुसूची

राज्य मध्य प्रदेश, जिला शाजापुर तहसील, शाजापुर

अनु. क्र.	नाम ग्राम	कार्य समाप्ति का दिनांक
1.	डोकर गांव	17-9-87

S. O. 3118.—Whereas Gas Authority of India Ltd. has acquired the right of user under section 6(1) of the Petroleum and Minerals Pipeline Act, 1962 for laying the pipeline in the villages mentioned in the Schedule given below and has completed the laying of pipeline as referred to in clause 1 of section 7(1) of the Petroleum and Minerals Pipeline Act, 1962 in following villages on 17-9-1987.

I, V.P. Ajmera, Competent Authority, Ujjain/Guna hereby notify under rule 4(1) of the Petroleum and Minerals Pipeline Rules, 1963 the above mentioned date as the date of termination of operation laying the pipeline in these villages.

SCHEDULE

State : M.P. District : Shajapur Tahsil : Shajapur

S.	Name of the village	Date of termination of the operation
1.	Dhokar Gaon	17-9-1987

नई दिल्ली, 29 अक्टूबर, 1987

का. आ. 3119.—यतः पेट्रोलियम और अनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 2022 तारीख 8-8-87 धारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को विछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सकाम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा अधिसूचित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुप्रुक्त वाद अनुसूची

एच. बी. जे. गैस पाइपलाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा नं.	धोकाफत	विवरण
1	2	3	4	5	6	7
इटावा	ओरेया	ओरेया	सेहुव	72	0-08	
				251	0-60	
				252	0-75	
				219	0-01	
				227	0-01	

अनुप्रस्त वाद/अनुसूची

1	2	3	4	5	6	7
इटावा	आरैया	आरैया	सेहुद			
			225	0-05		
			205	0-04		
			172	0-05		
			122	0-27		
			119	0-14		
			165	0-20		
			176	0-18		
			228	0-06		
			73	0-06		
			74	0-16		
					15	2-66

[स. O-14016/327/84-जी फी]

New Delhi, the 29th October, 1987

S.O. 3119.—Whereas by notification of the Government of India in the Ministry of Petroleum & N.G. S.O. 2022 dated 8-8-87 under sub-section (I) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And Whereas the Competent Authority has under Sub-section (II) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of power conferred by sub-section (I) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And Further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

Supplementary Case (Schedule)

H.B.J. GAS PIPELINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Acrea in acres	Remark
1	2	3	4	5	6	7
Etawah	Auraiya	Auraiya	Sehud	72	0-08	
				251	0-60	
				252	0-75	
				219	0-01	
				227	0-01	
				225	0-05	
				205	0-04	
				172	0-05	
				122	0-27	
				119	0-14	
				165	0-20	
				176	0-18	
				228	0-06	
				73	0-06	
				74	0-16	
					15	2-66

[No. O-14016/327/84-GP]

का. आ. स. 3120.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा विभाइ जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने का प्रयोजन के लिए एनदुपाबद अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और ग्यासिज पाइपलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की द्वारा 3 की उपधारा (1) द्वारा प्रवत्त शक्तियों को प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बताते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि. विकासवीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट है कि यह भी कबन करेगा कि क्या यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

पूरक/अनुसूची

एच. बी. जे. गैस पाइपलाइन प्रोजेक्ट

अनुप्रद	तहसील	परगना	ग्राम	गांठ सं.	क्षेत्रफल बीघा में		विवरण
					चक नं.	पुरानी संख्या	
1	2	3	4	5	6	7	8
उत्तराख	उत्तराख	हड्डा	मनोहरपुर	70	247 मि. 248 मि. 249 मि. चकमार्ग	0-6-5 0-1-10	
				276	247 मि. 248 मि. 249 मि. 250 मि. 185	0-10-10 1-0-0	
				222	249 मि. 250 मि. 251 मि. 269 मि. 297	2-1-10 0-10-5	
				297	250 मि. 251 मि. 269 मि. 280 मि. चकमार्ग	0-1-10 0-0-10	
				127	280 मि. 281 मि.	0-7-10	
					8	24	2-18-0

1	2	3	4	5	6	7	8
सप्ताह	उपाय	हस्ता	मनीहरपुर	107	280 मि. 281 मि. 282 मि. 284 मि. 285 मि. 291 292 मि. 293 मि. 254 493 मि. 494 मि. 490 मि. 297 493 मि. 494 मि. 495 मि. 490 मि. 4 490 मि. 92 490 मि. 499 मि. चकमार्ग 490 मि. 488 मि. 487 मि. 10 488 मि. 487 मि. 486 मि. 501 मि.	1-0-0 0-4-10 0-16-0 0-15-0 0-5-0 1-6-0	
				7	25 चकमार्ग 486 मि. 142 486 मि. 502 मि. 503 मि. 519 मि. 298 502 मि. 518 मि. 503 मि. 519 मि. 517 मि. चकमार्ग 518 मि. 517 मि. 178 517 मि. 53 517 मि. चकमार्ग 517 मि. 33 517 मि. 515 मि. 514 मि.	6-3-5 0-0-10 0-12-10 502 मि. 503 मि. 519 मि. 0-6-15 518 मि. 503 मि. 519 मि. 517 मि. 0-0-10 517 मि. 0-0-10 0-2-0 515 मि. 514 मि.	

1	2	3	4	5	6	7	8
गांव	उपनाम	हड्डा	मनोहरपुर	117	514 मि.	0-0-10	
					513 मि.		
				297	517 मि.	1-3-0	
					514 मि.		
					515 मि.		
					516 मि.		
					512 मि.		
				10	25	2-13-15	
				288	517 मि.	0-0-5	
					516 मि.		
				90	516 मि.	0-1-5	
					512 मि.		
					570	0-9-5	
				274	663 मि.	0-18-15	
					662 मि.		
			चकमार्ग	662 मि.	0-0-10		
			1	661 मि.	0-9-0		
					662 मि.		
			चकमार्ग	661 मि.	0-0-10		
					662 मि.		
			275	261 मि.	0-11-10		
					262 मि.		
					260 मि.		
			249	660 मि.	0-3-10		
			197	660 मि.	0-3-10		
			120	660 मि.	0-3-10		
			5	660 मि.	0-3-10		
			148	660 मि.	0-12-10		
				12	20	3-17-10	
					8	24	2-18-0
					7	25	6-3-5
					10	25	2-13-15
					37	94	15-12-10 शीता या
							3.9531 देवतेयर

[मे O-14016/33/84-शीता]

S.O. 3120.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, Therefore, it exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided That any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Fresh (Schedule)

H.B.J. GAS PIPE LINE PROJECT

District	Tehsil	Pargana	Village	Plot No.		Area in Hectare/Bigha	Remarks
				Chak No.	Old No.		
1	2	3	4	5	6	7	8
Unnao	Unnao	Harha	Manoharpur	70	247 M 248 „ 249 „ Chak Marg 247 „ 248 „ 249 „ 250 „ 276 247 „ 248 .. 0-1-10 249 „ 250 „ 185 249 .. 1-0-0 250 „ 251 „ 269 „ 222 250 „ 0-1-10 251 „ 269 „ 297 268 .. 0-10-5 279 „ 280 .. Chak Marg 280 0-0-10 127 280 .. 0-7-10 281 ..	0-6-5	
				8	24	2-18-0	
				107	280 281 282 284 285 291 292	1-0-0 0-4-10 0-16-0	

1	2	3	4	5	6	7	8
				293	0-15-0		
			254	493	0-5-0		
				494			
				490			
			297	493	1-6-0		
				494			
				495			
				490			
			4	490	0-6-5		
			92	490	0-11-10		
				499			
		Chak Marg		490	0-0-10		
				488			
				487			
			10	488	0-18-10		
				487			
				486			
				501			
			7	25	6-3-5		
Unnao	Unnao	Harha	Manoharpur	Chak Marg	486	0-0-10	
				142	486	0-12-10	
					502		
					503		
					519		
			298		502	0-6-15	
					518		
					503		
					519		
					517		
				Chak Marg	518	0-0-10	
					517		
					178	0-7-0	
					53	0-0-10	
				Chak Marg	517	0-0-10	
				33	517	0-2-0	
					515		
					514		
			117		514	0-0-10	
					513		
			297		517	1-3-0	
					514		
					515		
					516		
					512		
				10	25	2-13-15	
Unnao	Unnao	Harha	Manoharpur	288	517	0-0-5	
					516		
			90		516	0-1-5	
					512		

1	2	3	4	5	6	7	8
					570	0-9-5	
				274	663	0-18-15	
					662		
					Chak Marg	0-0-10	
				1	662		
					661	0-9-0	
					662		
					Chak Marg	0-0-10	
					661		
					662		
				275	261	0-11-10	
					262		
					260		
					249	0-3-10	
					197	0-3-10	
					120	0-3-10	
					5	0-3-10	
					148	0-12-10	
					12	3-17-10	
					8	2-18-0	
					7	6-3-5	
					10	2-13-15	
					37	94	15-12-10
							or
							3.9531 Hectare

[No. O-14016/55/84-GP]

का.आ. 3121.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी.जे. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने का प्रयोजन के लिए एतद् पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की द्वारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

बताते हुए कि उक्त भूमि में हितबद्ध कोई व्यक्ति उसमें भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. विकासदीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 यू.पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई अधिकार से हो या किसी विधि व्यवसायी की मार्फत।

अनुप्राप्त वाद अनुसूची
एच.पी.जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	क्षेत्रफल बीघा में	विवरण
1	2	3	4	5	6	7
उत्तराखण्ड	पुरावा	पुरावा	मौसाखो	36	0-1-0	
				88	0-1-0	
				260	0-4-0	
				263	0-3-0	
				4	0-9-0	

[सं. O-14016/283/84-जी.पी.]

S.O. 3121.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019, U.P.;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Supplimentary case (SCHEDULE)

H.B.J. GAS PIPELINE PROJECT

District	Tehsil	Pargana	Village	Plot No.		Area in Hectare /Bigha	Remarks
				Chak No.	Old No.		
1	2	3	4	5	6	7	8
Unnao	Purwa	Purwa	Maurawan	36	0-1-0		
				58	0-1-0		
				260	0-4-0		
				263	0-3-0		
				4	0-9-0		

[No. O-14016/293/84-GP]

का.आ. 3122.—यतः पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2012, तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

आंतर यतः सभम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

आंतर आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित दर्शनी है कि इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

आंतर आगे उस धारा की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निर्हित होगा।

पूरक/अनुपूरक वाद अनुसूची

एच० पी० ज०० गैस पाइपलाइन प्रोजेक्ट

1	2	3	4	5	6	7
इटाबा	ओरेय्या	ओरेय्या	सावनापुर	140	1 मि.	
					6 मि.	0.29
				431	1 मि.	
					2 मि.	0.36
					4 मि.	
					5 मि.	

1	2	3	4	5	6	7
				68	2 मि. 3 मि. 4 मि.	
				89	3 मि. 4 मि. 12 मि. 13 मि.	0.20
				122	12 मि. 13 मि. 14 मि. 15 मि.	0.44
				204	14 मि. 15 मि. 16 मि. 17 मि. 18 मि.	0.22
				105	18 मि. 19 मि.	0.35
						0.11
					7	1.97

[सं. अ०-14016/322/84-जीपी.]

S.O. 3122.—Whereas by Notification of the Government of India in the Ministry of Petroleum & N.G.I., S.O. 2012 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that Notification for purpose of laying pipeline;

And further whereas the Central Government has, after section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this Notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this Notification hereby acquire for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Limited free from encumbrances.

**SUPPLEMENTARY CASE (SCHEDULE)
H.B.J. GAS PIPELINE PROJECT**

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Auraiya	Auraiya	Lakhnapur	140	1 M 6 "	0-29
				431		0-36
					1 " 2 " 4 " 5 "	
				68	2 " 3 " 4 "	0-20
				89	3 " 4 " 12 " 13 "	0-44

1	2	3	4	5	6	7
122				12 M 13 " 14 " 15 "	0-22	
204				14 " 15 " 16 " 17 " 18 "	0-35	
105				18 " 19 "	0-11	
				7	1-97	

[No. O-14016/322/84-GP]

का.आ. 3123.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2023 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था;

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे की है;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एन्ड-द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एन्डव्हारा अंजित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में धोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक बाद अनुसूची

एन. बी. जे. नैम पाइपलाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	औरेया	औरेया	दौलतपुर	728	0-02	
				727	0-02	
				703	0-18	
				702	0-23	
				701	0-38	
				700	0-58	
				695	0-05	
				651	0-05	
				1056	0-06	
				1057	0-12	
				1035	0-05	
				1074	0-01	
				210	0-09	
				217	0-10	
				215	0-16	
				735	0-06	

1	2	3	4	5	6	7
			729		0-14	
			718		0-18	
			667		0-10	
			624		0-04	
			623		0-16	
			621		0-07	
			1012		0-10	
			1027		0-18	
			1028		0-16	
			1038		0-11	
			1055		0-04	
			1031		0-04	
			1037		0-06	
			1069		0-05	
			1073		0-09	
			1111		0-07	
				32	3-75	

[सं. O-14016/330/84-जी. पी.]

S.O. 3123.—Whereas by notification of the Government of India in the Ministry of Petroleum and NG S.O. 2023 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right

of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

**SUPPLEMENTARY CASE (SCHEDULE)
H.B.J. GAS PIPE LINE PROJECT**

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Auraiya	Auraiya	Daulatpur	728	0-02	
				727	0-02	
				703	0-18	
				702	0-23	
				701	0-38	
				700	0-58	
				695	0-05	
				651	0-05	
				1056	0-06	
				1057	0-12	
				1035	0-05	
				1074	0-01	
				210	0-09	
				217	0-10	
				215	0-16	
				735	0-06	
				729	0-14	

1	2	3	4	5	6	7
				718	0-18	
				667	0-10	
				624	0-04	
				623	0-16	
				621	0-07	
				1012	0-10	
				1027	0-18	
				1028	0-16	
				1038	0-11	
				1055	0-04	
				1031	0-04	
				1037	0-06	
				1069	0-05	
				1073	0-09	
				1111	0-07	
						32 3-75

[NO.-U-14010/330/84-UP]

का.आ. 3124. यतः पेट्रोलियम और ग्वनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के (1962 का 50) की धारा 3 की उपधारा (1) अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.म. 2014 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्-द्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

1	2	3	4	5	6	7
इटावा	बिल्हना	बिल्हना	नवादादादू	53	0-22	
				49/4	0-29	
				44/1	0-05	
				44/2	0-02	
				44/3	0-02	
				41/1	0-10	
				41/2	0-08	
				81/1	0-05	
				39	0-34	
				83	0-14	
				426/2	0-13	
				462/3	0-07	
				186	0-17	
				47	0-04	

1	2	3	4	5	6	7
				42	0-06	
				54	0-05	
				187	0-07	
				188	0-05	
				423	0-02	
				511/2	0-07	
				511/3	0-05	
				85/1	0-05	
				504/2	0-17	
						23 2-31

[सं. O-14016/389/84-जी पी]

S.O. 3124.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2014 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPELINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Nawada Dado	53 49/4 44/1 44/2 44/3 41/1 41/2 81/1 39 83 426/2 462/3 186 47 42 54 187 188 423 511/2 511/3 85/1 504/2	0-22 0-29 0-05 0-02 0-02 0-10 0-08 0-05 0-34 0-14 0-13 0-07 0-17 0-04 0-06 0-05 0-07 0-05 0-02 0-07 0-05 0-05 0-17	
						23 2-31

[No. O-14016/389/84-GPI]

का.आ. 3125.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.म. 2018 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार पाइप द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी वाधाओं से मुक्त रूप में हम घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनपूरकवाद अनुसूची

एच०बी०ज० गैस पाइप लाइन प्रोजेक्ट

1	2	3	4	5	6	7
द्वारा	विधूना	विधूना	उसरहा	622	0-15	
				720	0-36	
				722	0-07	
				590	0-10	
				614	0-18	
				591	0-14	
				587	0-12	
				800	0-03	
				799	0-01	
				798	0-02	
				725	0-22	
				726	0-03	
				721	0-05	
				881	0-03	
						1. 51
				14		

[म. O-14016/390/84-जी.पी.]

S.O. 3125.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2018 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Usraha	622 720 722 590 614 591 587 800 799 798 725 726 721 881	0-15 0-36 0-07 0-10 0-18 0-14 0-12 0-03 0-01 0-02 0-22 0-03 0-05 0-03	
				14	1-51	

[No. O-14016/390/84-GP]

का, आ., 3126.—यतः पेट्रोलियम और खनिज पाहपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का, आ. सं. 2013 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विभाने के लिए अर्जित करने का अनुमति आवश्य घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन निर्माण के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देनी है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में मसी बाधायों से प्रकाश स्प में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	नहरील	परगना	ग्राम	गाठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	विधूना	विधूना	भगवन्तपुर	182	0-03	

[सं. अ०—14016/392/84—जो पी]

S.O. 3126.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2013 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)

H B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
Etawah	Bidhuna	Bidhuna	Bhagwantpuri	182	0.03	

[No. O-14016/392/84-GP]

का. आ. 3127.—यतः पेट्रोलियम और ग्यन्स पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. नं. 2016 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से मंलग्न अनुमूली में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था,

अंग यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

अंग यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मंलग्न अनुमूली में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिष्चय किया है;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में मंलग्न अनुमूली में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है;

अंग यतः उक्त अधिनियम की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी बाधाओं में मुक्त ह्य में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुमूली
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा नं.	श्रेणीफल	विवरण
इटावा	विधूना	विधूना	बहादुरपुर सहार	52	0-09	
				54	0-05	
				58	0-10	
				71	0-10	
				92	0-06	
				97	0-02	
				98	0-02	
				67	0-44	

[मं. ओ—14016/399/84—जी पी]

S.O. 3127.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2016 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
Etawah	Bidhuna	Bidhuna	Bahadurpur Sahar	52	0-09	
				54	0-05	
				58	0-10	
				71	0-10	
				92	0-06	
				97	0-02	
				98	0-02	
				67	0-44	

[No. O-14016/399/84-GP]

का. आ. 3128—यतः पेट्रोलियम और खनिज पाहपलाड़न (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का, आ. सं. 2017 तारीख 18-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अंजित करने का अपना आग्रह घोषित कर दिया था;

और यतः सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है;

अब, अनः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार पाइपलाइन विभाग के प्रयोजन के लिए एतद्वारा अंजित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी बाधाओं से युक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा नं.	क्षेत्रफल	विवरण
इटावा	विधूना	विधूना	चान्दो	13	0-04	
				15	0-11	
				14	0-03	
				8	0-09	
				5	0-04	
				5	0-31	

[सं. ओ—14016/399/84—जी पी]

S.O. 3128.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2017 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right

of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
Etawah	Bidhuna	Bidhuna	Chando	13	0-04	
				15	0-11	
				14	0-03	
				8	0-09	
				5	0-04	
				5	0-31	

[No. O-14016/393/84-GP]

का आ. 3129.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ. स. 2021 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उम अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आमय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इम अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इम अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है;

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण नि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची
एच. वी. जे. गैस पाइप लाईन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	क्षेत्रफल	विवरण
इटावा	प्रिधूना	प्रिधूना	हरवंशपुर	452	0-22	
				437	0-17	
				70	0-04	

1	2	3	4	5	6	7
इटावा	बिधूना	बिधूना	हरबांशपुर—जारी	50	0-13	
				43	0-07	
				35	0-10	
				24	0-27	
				439	0-05	
				94	0-08	
				9	1-13	

[सं. ओ—14016/394/84—जी पी]

S.O. 3129.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2021 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd, free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. GAS PIPE LINE PROJECT

District	Tashil	Pargana	Village	Plot No.	Area in acres	Remarks
Etiwah	Bidhuna	Bidhuna	Harabanshpur	452	0-22	
				437	0-17	
				70	0-04	
				50	0-13	
				43	0-07	
				35	0-10	
				24	0-27	
				439	0-05	
				94	0-08	
				9	1-13	

[No. O-14016/394/84-GP]

का. आ. 3130.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2020 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भाग्नीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में बोरणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची
एच. बी. जे. गैस पाइपलाइन प्रोजेक्ट

प्रत्येक	तहसील	परगना	ग्राम	गाँठ नं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	बिधुना	बिधुना	मरोखमीत	710 719 776 774/9 774/7 774/8 767/5 768 764 765 715 755	0-07 0-01 0-35 0-05 0-01 0-02 0-31 0-08 0-03 0-02 0-04 0-03	
				12	1-02	

[सं. O-14016/396/84-जी पी]

S.O. 3130.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2020 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appendd to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Marokhmeet	710 719 776 774/9 774/7 774/8 767/5 768 764 765 715 755	0-07 0-01 0-35 0-05 0-01 0-02 0-31 0-08 0-03 0-02 0-04 0-03	
				12	1-02	

[No. O-14016/396/84-GP]

का. आ. 3131.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस भवालय की अधिसूचना का. आ. सं. 2015 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुपूरक धाद अनुसूची
एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाडा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	बिधूना	बिधूना	अलीपुर	342 344 345 352	0-10 0-06 0-10 0-08	
				4	0-34	

[सं. ओ—14016/398/84-जी. पी.]

S.O. 3131.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2015 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Alipur	342 344 345 352	0-10 0-06 0-10 0-06	
				4	0-34	

[No. O-14016/398/84-GP]

का. आ. 3132.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिलाई जानी चाहिए।

और यतः प्रतीत होता है कि एसी लाइनों को बिलाने का प्रयोजन के लिए एतुदृपावद्ध अनुसूची में वर्णित भूमि में उपयोग अधिकार अर्जित करना आवश्यक है;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है;

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. विकासवीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 यू. पी. को इस अधिसूचना की तारीख से 21 दिन ले भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विभिन्न व्यवसायी की माफेत;

अनुपूरक वाद अनुसूची
एच. बी० जे. गैस पाइपलाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांठा स.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
कानपुर देहात	डेरापुर	डेरापुर	नौनारा बुजुर्ग	1263	0-0-10	
				725	0-0-5	
				630	0-0-10	

[सं. ओ—14016/402/84-जी पी]

S.O. 3132.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B.J. in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the lands declared in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land)

Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, H.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019, U.P.;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Supplementary Case (Schedule)
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Kanpur Depot	Dehapur	Derapur	Nanari Bujurg	1263	0-0-10	
				725	0-0-5	
				630	0-0-10	

[No. O-14016/402/84-GP]

का. आ. 3133.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का प्राप्तन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2011 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन को बिलाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाष्पलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुप्ररक्त वाद अनुसूची

एच. बी. जे. गैस पाष्प लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांठा सं.	क्षेत्रफल	विवरण
इटावा	औरेया	औरेया	नौली	50	0-20	
				1	0-20	

[सं. ओ—14016/429/84—जी पी]

S.O. 3133.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2011 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

Supplementary Case (Schedule)
H.B.J. GAS PIPE LINE PROJECT

District	Tabhili	Pargana	Village	Plot No.	Area in acres [Remarks
1	2	3	4	5	6	7
Etawah	Auraiya	Auraiya	Naulli	50	0-20	
				1	0-20	

[No. O-14016/429/84-GP]

का. आ. 3134 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाष्पलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए;

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब पेट्रोलियम और खनिज के पाष्पलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है;

बाश्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के सीधे पाष्प लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. बिकासदीप बिल्डिंग, 22, स्टेशन रोड, लखनऊ-226019 य. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला क्षर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या अह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

संशोधित प्रस्ताव

अनुसूची

जिला	तहसील	परगना	ग्राम	गाटा सं.	रक्का वी. वि. वि.	विवरण
कानपुर देहात	डेरापुर	डेरापुर	चिलौली	1588	0-17-0	
				1589	0-0-15	
				1593	3-1-10	
				1591	1-2-0	
				1571	0-5-0	
				1658	1-4-0	
				1657	0-1-10	
				1651	0-0-15	
				1660	0-1-0	
				1661	0-3-5	
				1662	1-7-0	
				1663	0-1-5	
				1669	1-0-0	
				1649	0-2-10	
				1675	0-0-10	
				1676	0-17-0	
				1677	0-1-10	
				1678	0-17-0	
				1679	0-4-0	
				1681	1-1-10	
				1682	1-5-0	
				1683	0-1-10	
				1693	0-0-15	
				1698	0-15-0	
				1695	1-7-0	
				1696	0-0-5	
				1694	1-1-0	
				1726	0-2-0	
				1780	1-18-0	
				1781	1-1-10	
				30	18-1-0	

कानपुर देहात	डेरापुर	डेरापुर	चिलौली	1782	0-3-0
				1797	0-0-15
				1800	0-18-0
				1810	0-0-10
				1811	0-15-0

1	2	3	4	5	6	7
				1812	0-16-0	
				1816	0-18-10	
				1817	1-3-15	
				1818	0-0-5	
				1824	0-2-15	
				1873	0-0-10	
				1872	0-1-0	
				1871	0-10-0	
				1870	2-2-10	
				1869	0-4-0	
				1867	0-8-5	
				1883	0-1-0	
				1310	1-6-0	
				1312	0-16-0	
				1311	0-14-0	
				1306	0-7-15	
				1305	1-13-0	
				1267	1-12-0	
				1266	1-4-0	
				प. 2436	0-3-10	
				25	16-2-0	
				30	18-1-0	
		सम्पूर्ण योग		55	34-3-0	बीचा
					या	
					6.9119	हेक्टर

[सं. ओ—14016/491/84—जि. पी.]

S.O. 3134.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J, in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project Vikas Deep Building, 22, Station Road Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Revised (Schedule)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
Kanpur Dehat	Derapur	Derapur	Chilauli	1588	0-17-0	
				1589	0-0-15	
				1593	3-1-10	
				1591	1-2-0	
				1571	0-5-0	
				1658	1-4-0	

1	2	3	4	5	6	7
			1657	0-1-10		
			1651	0-0-15		
			1660	0-1-0		
			1661	0-3-5		
			1662	1-7-0		
			1663	0-1-5		
			1669	1-0-0		
			1649	0-2-10		
			1675	0-0-10		
			1676	0-17-0		
			1677	0-1-10		
			1678	0-17-0		
			1679	0-4-0		
			1681	0-1-10		
			1682	1-5-0		
			1683	0-1-10		
			1693	0-0-15		
			1698	0-15-0		
			1695	1-7-0		
			1696	0-0-5		
			1694	1-1-0		
			1726	0-2-0		
			1780	1-18-0		
			1781	1-1-10		
			30	18-1-0		
Kanpur Dehat	Derapur	Derapur	Chilauli			
			1782	0-3-0		
			1797	0-0-15		
			1800	0-18-0		
			1810	0-0-10		
			1811	0-15-0		
			1812	0-16-0		
			1816	0-18-10		
			1817	1-3-15		
			1818	0-0-5		
			1824	0-2-15		
			1873	0-0-10		
			1872	0-1-0		
			1871	0-10-0		
			1870	2-2-10		
			1869	0-4-0		
			1867	0-8-5		
			1883	0-1-0		
			1310	1-6-0		
			1312	0-16-0		
			1311	0-14-0		
			1306	0-7-15		
			1305	1-13-0		
			1267	1-12-0		
			1266	1-4-0		
			P. 2436	0-3-10		
			25	16-2-0		
			30	18-1-0		
		G. Total	55	34-3-0		
				F		
				6-9119		

का. शा. 3135 :—यस: पेट्रोलियम और अनिंज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. शा. सं. तारीख 2019/8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यस: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनियवय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद-द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी आधारों से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं०	क्षेत्रफल	षिवरण
1	2	3	4	5	6	7
इटावा	बिधुना	बिधुना	धरमगढ़पुर	428 438 461 1150 1151 1198 1199 ल 1199 ब 1260/6 434 447 1148 1208	0-32 0-03 0-05 0-03 0-08 0-22 0-30 0-10 0-09 0-15 0-12 0-03 0-03	
				13	1-55	

सं. O—14016/01/85—जी फी

S.O. 3135.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2019 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case Schedule
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Dharmagadepur	428	0-32	
				438	0-03	
				561	0-05	
				1150	0-03	
				1151	0-08	
				1198	0-22	
				1199	0-30	
				1199	0-10	
				1260/6	0-09	
				434	0-15	
				447	0-12	
				1148	0-03	
				1208	0-03	
				13	1-55	

[No. O-14016/01/85-GP]

का. आ. 3136.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2010 तारीख 8/8/87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों की विठाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा 1 के अधीन सरकार को रिपोर्ट दे दी है।

आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विठाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार के निहित में होने के बजाय भारतीय गैस प्राप्तिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाक्य अनुसूची

एच. बी. जे. गैस पाइपलाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाटा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	विधुना	विधुना	लखनो	870	0-23	

[सं. ओ-14016/02/85-जीपी]

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of 87/1443 GI—9.

Supplementary Case Schedule
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2		4	5	6	7
Etawah	Bidhuna	Bidhuna	Lakhno	870	0-2	

i

[No. O-14016/02/85-GP]

का. आ. 3137.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2008 तारीख 8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना की संलग्न अनुसूची में विनिर्विष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आप्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आप्त करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बायाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाव अनुसूची
एच. बी. जे. गैस पाइपलाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	बिधूना	बिधूना	कैथावा	169	0-08	
				296	0-03	
				1130	0-04	
				1129	0-07	
				1051	0-08	
				298	0-10	
				6	0-40	

[सं. ओ-14016/03/85-जी फी]

S.O. 3137.—Whereas by notification of the Government of India, in the Ministry of Petroleum and N.G. S.O. 2008 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case (Schedule)
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Kathwa	169 296 1130 1129 1051 298	0-08 0-03 0-04 0-07 0-08 0-10	
				6	0-40	

[No. O-14016/03/85-GP]

का.आ. 3138.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 585 दिनांक 17-6-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सभी प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मक्तु रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची
एच.बी.जे. गैस पाइपलाइन प्रोजेक्ट

जनपद	तहसील	परगाना	ग्राम	गाडा सं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
फलखाबाद	छिवरामऊ	तालग्राम	मलिकपुर	1538	0-72	

[सं. ओ-14016/108/85-जीपी]

S.O. 3138.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 585 dated 17-6-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of the declaration in the Gas Authority of India Ltd. free from encumbrances.

Supplementary Case Schedule

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	6	6	7
Farrukhabad	Chhobra mau	Talgram	Malikpur	1538	0-72	

[No. O-14016/108/85-GP]

का. आ. 3139.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. स. 681 (ई) तारीख 7-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्विष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आश्य घोषित कर दिया था।

और यतः सुक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

आर. अपूरुष यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्विष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्विष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच.बी.जे गैस पाइपलाइन प्रोजेक्ट

जनपद	तहसील	परगाना	ग्राम	गाटा स.	क्षेत्रफल बीघे में	विवरण
1	2	3	4	5	6	7
हरदोई	शाहाबाद	पछोहा	मानपारा	563 569 587 588	0-6-0 0-13-0 0-6-10 0-1-10	
				4.	1-7-0	

[स. आ-14016/361/85-आरा]

S.O. 3139.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 681(E) dated 7-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands

specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the

said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

Supplementary case (Schedule)

H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	Plot No.	Area in Acres	Remark
1	2	3	4	5	6	7
Hardoi	Shahabad	Pachola	Manpara	563	0-6-0	
				569	0-13-0	
				587	0-6-10	
				588	0-1-10	
				4	1-7-0	

[No.-O 14016/361/85-GP]

का. प्रा. 3140.—यतः पेट्रोलियम और खानेज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का। आ। सं। तारीख 2009/8-8-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आश्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियन्य किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

मनुपूरक बाबू अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गांठा सं.	सेवकल बीघा में	विवरण
1	2	3	4	5	6	7
हटावा	ओरेया	ओरेया	कैजरी	508	0-10	
				1098	0-03	
				2	0-13	0

[सं. नो-14016/647/87जीपी]

S.O. 3140.—Whereas by notification of the Government of India in the Ministry of Petroleum and N.G. S.O. 2009 dated 8-8-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

Supplementary Case (Schedule)
H.B.J. GAS PIPE LINE PROJECT

District	Tahsil	Pargana	Village	M			Remark
				Plot No.	Area in acres	1	
1	2	3	4	5	6	7	
Etawah	Auraiya	Auraiya	Kainjri	508 1098	0-10 0-03	2	0-13

[No. O-14016/647/87-GP]

का. आ. 3141.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में एच. बी. जे. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिलाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिलाने के प्रयोजन के लिए एतदुपावद अनुसूची से वर्णित भूमि में उपयोग का प्रधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग प्रधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का प्रधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बाश्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. विकासदीप विलिंग, 22, स्टेशन रोड, लखनऊ-2260019 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत।

मनुपुरक वाद मनुसूचा
ए.बी.जे.गैस पाइप लाइन प्रोजेक्ट

अन्वय	तहसील	पर्सना	ग्राम	गाटा-सं.	क्षेत्रफल जीघा में	विवरण
1	2	3	4	5	6	7
उभाव	उभाव	हुडहा	हुडहा	1357	0-2-10	
				1307	0-6-0	
				1305	1-0-0	

1	2	3	4	5	6	7
उपाव	उपाव	हुडहा	हुडहा	578	0-2-0	
				573	0-0-10	
				1289	0-3-13	
				582	0-2-0	
				621	0-7-10	
				616	0-0-15	
				614	0-3-8	
				744	0-0-5	
				684	0-0-5	
				12	2-8-8 बीघा	
					या	
					0.6122 हेक्टेयर	
						ह. /-
						(संस्थम प्राधिकारी)
						भारतीय गैस प्राधिकरण,
						लखनऊ
						[सं. ओ-14016/93/84-जीपी]
						अनूप मिश्र, उप सचिव

S.O. 3141.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from H.B. to J. in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land)

Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. R.B.J. Pipeline Project, Vikas Deep Building, 22, Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

Supplimentary Case (Schedule)
H.B.J. GAS PIPE LINE PROJECT

District	Tashil	Pargana	Village	Plot No.	Area (in Bigha)	Remark
1	2	3	4	5	6	7
Unnao	Unnao	Harha	Harha	1357	0-2-10	
				1307	0-6-0	
				1305	1-0-0	
				578	0-2-0	
				573	0-0-10	
				1289	0-3-13	
				582	0-2-0	
				621	0-7-10	

1	2	3	4	5	6	7
Umno	Umno	Harha	Harha	616 614 744 684	0-0-15 0-3-8 0-0-5 0-0-5	
				12	2-8-8	
					or 0-6122 Hectare	
						Sd/- Competent Authority Gas Authority of India Limited Lucknow [No. 14016/93/84-GP] ANOOP MISHRA, Dy. Secy.

परमाणु ऊर्जा विभाग

नई दिल्ली, 23 अक्टूबर, 1987

का.आ. 3142.—विद्युत् परिवहन अभियांत्रिकी प्रभाग, बम्बई को राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उपनियम 4 के अन्तर्गत अधिसूचित किया गया था तथा बाद में उसका नाम “न्यूक्लियर विद्युत् बोर्ड” ही गया था। न्यूक्लियर विद्युत्। बोर्ड को 17-9-87 से सरकारी क्षेत्र के उपक्रम, “न्यूक्लियर पावर कारपोरेशन” में परिवर्तित कर दिया गया है। अतः न्यूक्लियर पावर कारपोरेशन का मुख्यालय उपर्युक्त उपनियम के अन्तर्गत अधिसूचित माना जायेगा।

[सं. 6/5/82-हिन्दी]
शैलेन्द्र पाण्डेय, निवेशक

DEPARTMENT OF ATOMIC ENERGY

New Delhi, the 23rd October, 1987

S.O. 3142.—The Power Project Engineering Division, Bombay which was notified under Sub-Rule 4 of Rule 10 of the Official Languages (use for official purposes of the Union) Rules, 1976, was renamed as “Nuclear Power Board”. The Nuclear Power Board has been converted into a public sector undertaking—“Nuclear Power Corporation” with effect from 17-9-1987. The head quarter of the Nuclear Power Corporation, therefore, stands notified under the aforementioned Sub-Rule.

[No. 6/5/82-Hind]

SHAILENDRA PANDEY, Director

जल-भूतल परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 26 अक्टूबर, 1987

का.आ. 3143.—केन्द्र सरकार, गोदी श्रमिक (रोजगार का विनियमन) नियम, 1962 के नियम 4 के उपनियम (1) के दूसरे परन्तुक के साथ पठित गोदी श्रमिक (रोजगार का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5क की उपधारा (3) के अनुपालन में श्री एम. भास्कर किंनी को श्री वी. पी. विजयन मेनन जिनकी 20-8-1987 को मृत्यु हो गई है, के स्थान पर

कोचीन डाक लेबर बोर्ड का सदस्य नियुक्त करती है और निदेश देती है कि भारत सरकार, तत्कालीन परिवहन मंत्रालय (जल-भूतल परिवहन विभाग) (परिवहन पक्ष) की अधिसूचना का.आ. सं. 786 (अ) दिनांक 25 अक्टूबर, 85 में निम्नलिखित संशोधन किये जाएंगे अर्थात् :—

उक्त अधिसूचना में, “गोदी श्रमिकों के नियोक्ताओं और नौवाहन कंपनियों का प्रतिनिधित्व करने वाले सदस्य” शीर्ष के अंतर्गत मद 4 में प्रविष्ट “श्री वी. पी. विजयन मेनन” के स्थान पर “श्री भास्कर किंनी” पड़ा जाए।

[फाइल सं. एस. ई. एस/6/85-यू एस (एल) (ii)]

MINISTRY OF SURFACE TRANSPORT

(Transport Wing)

New Delhi, the 26th October, 1987

S.O. 3143.—In pursuance of sub-section (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), read with the second proviso to sub-rule (1) of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby appoints Shri M. Bhasker Kini as a member of the Cochin Dock Labour Board vice Shri V. P. Vijayan Menon who has expired on 20-8-1987 and directs that the following amendments shall be made in the Notification of Government of India in the erstwhile Ministry of Transpnuort (Department of Surface Transport), (Transport Wing) No. S.O. 786(E), dated 25th October, 1985, namely :—

In the said Notification, under the heading “Members representing the employers of Dock workers and Shipping Companies”, against item 4, for the entry “Shri V. P. Vijayan Menon”, the entry “Shri Bhaskar Kini” shall be substituted.

[F. No. LDX/6/85-US(L) (ii)]

का.आ. 3144.—चूंकि श्री वी. पी. विजयन मेनन की, जिन्हे भारत सरकार तत्कालीन परिवहन मंत्रालय (जल-भूतल परिवहन विभाग) (परिवहन पक्ष) की अधिसूचना का.आ. सं. 786 (अ.), दिनांक 25 अक्टूबर, 1985 के द्वारा गोदी श्रमिकों के नियोक्ताओं और नौवाहन

कंपनियों का प्रतिनिधित्व करने के लिये कोचीन डॉक लेवर बोर्ड का सदस्य नियुक्त किया गया था, 20-8-1987 को मर्यादा हो गई है ;

और चूंकि इस प्रकार उक्त डॉक लेवर बोर्ड में रिक्त हो गई है ;

इसलिये अब केन्द्र सरकार, गोदी श्रमिक (गोजगार का विनियमन) नियम, 1962 के नियम 4 के उपर्योगों के अनुपालन में उक्त रिक्त को अधिसूचित करती है ।

[फाइल सं. एल. डी. एकम. / 6/85-यू.एम. (एल) (i)]

सुदेश कुमार, अवर सचिव

S.O. 3144.—Whereas Shri V. P. Vijayan Menon who was appointed as a member of the Cochin Dock Labour Board representing the employers of Dock Workers and Shipping Companies by the Notification of the Government of India in the erstwhile Ministry of Transport (Department of Surface Transport), (Transport Wing) No. S.O. 786(E), dated the 25th October, 1985, has expired on 20-8-1987;

And whereas a vacancy has thus occurred in the said Dock Labour Board;

Now, therefore, in pursuance of the provisions of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962, the Central Government hereby notifies the said vacancy.

[F. No. LDX/6/85-US(L)(i)]

SUDESH KUMAR, Under Secy.

मानव संपादन विभाग मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 15 अक्टूबर, 1987

का. आ. 3145.—राजपत्र असिस्टन्ट सं. 811/2/85—एफ. सी. दिनांक 31 जुलाई, 1987 में आंशिक सुधार करते हुए केन्द्रीय सरकार यह निदेश देती है कि केन्द्रीय फिल्म प्रमाणन बोर्ड के मद्रास सनाहकार पैनल से निम्नलिखित व्यक्तियों की सदस्यता समाप्त होने की तारीख 30-6-1987 के स्थान पर 31-8-1987 पढ़ी जानी चाहिए :—

क्रम सं. नाम

- श्री ओ. आर. के. राव
- श्रीमती जयन्ती प्रेमा राव
- श्रीमती रेखा प्रभाकर

[फाइल सं. 811/2/85-एफ. सी.]

भारत चट्टर्जी, उप सचिव

87/1443 GT—10

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Culture)

New Delhi, the 15th October, 1987

S.O. 3145.—In partial modification of the Gazette Notification No. 811/2/85-FC, dated the 31st July, 1987, the Central Government hereby direct that the date of termination of the membership of the following persons, of the Madras Advisory Panel of the Central Board of Film Certification, should be read as 31-8-1987 instead of 30-6-1987:—

S. No. Name

- Shri O. R. K. Rao
- Smt. Jayanthi Prema Rao
- Smt. Rekha Prabhakar

[File No. 811/2/85-FC]
BHASKAR CHATTERJEE, Dy. Secy.

मंत्रालय मंत्रालय

(दूर संचार विभाग)

नई दिल्ली, 27 अक्टूबर, 1987

का. आ. 3146.—स्थायी देश संघरा 627, दिनांक 8 मार्च, 1960 द्वारा लागू किया गया भारतीय तार नियम 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने मामूद, कुरुकच्चाल, कंगपाठ, इलम देशम तथा कलूर टेलिफोन केन्द्रों, केरला संकिल, में दिनांक 14-11-1987 से प्रमाणित दर प्रणाली लागू करने का निर्देश किया है ।

[सं. 5-2/87-पी.एच.बी.]

पी. आर. कारडा, सहायक महानिदेशक (पी. एच. बी.)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 27th October, 1987

S.O. 3146.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1964, the Director General, Department of Telecommunications, hereby specifies 14-11-87 as the date on which the Measured Rate System will be introduced in Mammod, Karukachal, Kengazha, Kaloor and Elamdesom Telephone Exchanges under Kerala Telecom. Circle

[No. 5-2/87-PHB]

P. R. KARRA, Asst. Director General (PHB)

श्रम मंत्रालय

नई दिल्ली, 23 अक्टूबर, 1987

का. आ. 3147—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में केन्द्रीय सरकार, केनरा बैंक के प्रबंधतत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-87 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 23rd October, 1987

S.O. 3147.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the Canara Bank and their workmen, which was received by the Central Government on the 8th October, 1987

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. 1.D. No. 78/87

PARTIES :

Employers in relation to the management of Canara Bank.

AND

Their workman—Ashwani Kumar.

APPFARANCES :

For the workman—None.

For the management—Shri Avtar Singh.

INDUSTRY : Banking

STATE : Punjab.

AWARD

Dated 4-10-1987

Vide Central Government Notification No. L-12012/544/86-D. II(A) dated 1-9-1987 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947, the following industrial dispute was referred to this Tribunal for decision :

“Whether the action of the Canara Bank in terminating the service of Shri Ashwani Kumar S/o Shri Puran Chand, Peon at their Branch of Gurdaspur w.e.f. 10-8-85 is justified ? If not, to what relief the concerned workman is entitled ?”

2. Notices were issued to the workman at the address given in the notification which is as under :

“Shri Ashwani Kumar, Manav Kalyan Indl. Workers’ Union Partap Nagar, Amritsar (Punjab).”

3. The letter was received undelivered with the remarks that address is not complete. This tribunal is not in a position to send notice to the workman at any address. So reference is returned for want of address and found against the workman.

Chandigarh.

1-10-1987.

M. K. BANSAL, Presiding Officer
[No. L-12012/544/86-D.II(A)]

नई दिल्ली, 27 अक्टूबर, 1987

का. आ. 3148.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विजया बैंक के प्रबंधतत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-87 को प्राप्त हुआ था।

New Delhi, the 27th October, 1987

S.O. 3148.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure in the industrial dispute between the employers in relation to the Vijaya Bank and their workmen which was received by the Central Government on the 12th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT BANGALORE

Dated : 24th Day of September, 1987

Sri. B. N. Lalge B.A. (Hons) LL.B. Presiding Officer

Central Reference No. 3/87

Old Central Reference No 6/76

I PARTY

Shri K. Chandrabasa, Treasurer,
Vijaya Bank Employees Union,
Central Office, Big Bazar,
Calicut-673001.

V/s

II PARTY

The Chairman,
Vijaya Bank Ltd.,
Administrative Office,
Bharatiya Vidya Bhavan
Building, Race Course
Road, Bangalore.

APPEARANCES :

For the 1st Party Sri M. C. Narasimhan, Advocate.

For the 2nd party Sri. M. J. Shetty. Advocate.

AWARD

By order No. L-12012(85)/76-D.II(A) dated 19-8-76, the Government of India made the present reference to the then State Government Industrial Tribunal.

2. By a general order No. L-11025/A/87-D-IV (B) dated 13-2-87, it has been transferred to this tribunal. The case is at serial No. 4 in the said order. The point of reference is as follows:

“Whether the action of the management of the Vijaya Bank Limited, Administrative Office, Bharatiya Vidya Bhavan, Race Course Road, Bangalore in dismissing Shri K. Chandrabasa, a clerk working in Cherutty Road, Calicut is Branch of the Bank with effect from 6-11-75 is justified ? If not to what relief is the workman entitled ?”

3. The first party employee has been filed his claim statement. Inter-alia, he has contended as follows :

He was the treasurer of the Vijaya Bank Employees Union. He was employed as a clerk in Calicut Cherutty Road office. He was elected as a treasurer of the union at that time.

The management of the Bank was terrorising and suppressing the union activities. A. R. Bhat and S. C. Paul persuaded him to resign from the union. His union is affiliated to All India Bank Employees Association. They were opposing unfair labour practice and victimisation of the employees. The trainee system was opposed by them. He was personally attending to the activities of the union. The office bearers of the union were harassed by issue of memos, charge sheets, and effecting transfers. Senior executives were sent around to obtain resignation from the employees for the membership of the union. A memo dated 17-3-72 was issued to him, alleging that he had refused to work in the cash department and shouted against the concerned officers. The allegations are false. Another memo dated 20-3-72 was issued to him, alleging that he had refused to obey the order of transfer. He submitted his explanations. One A Ramachandra Bhat was appointed as the enquiry officer. On 2-12-72 another memo was issued to him, as to why disciplinary action should not be taken against him for boycotting the instruments of Federal Bank Limited. He submitted his explanation on 2-12-72. Then he was kept under suspension. He was charge sheeted on 3-10-73 by Sr. K. Krishnappa Shetty. He gave his explanation. An enquiry was held against him, and he was found guilty and punishment of dismissal was proposed. He objected for the proposed punishment and challenged that R. Bhat and K. Shetty had no competence to issue the charge sheet. Without giving him an opportunity to show cause against punishment he has been dismissed. The ground of dismissal is shown as lack of confidence. The dismissal is for reasons other than those for which punishment was proposed. He submitted an appeal. It was dismissed, it is an act of victimisation and unfair labour practice. His previous record was not taken into account. The enquiry held against him was not in accordance with law, and principles of natural justice. The dismissal is illegal. An award may be passed to re-instate him with consequential benefits.

4. The management has filed its counter statement and its contentions in brief are as follows :—

(a) It is false that the management had deployed its machinery to harass them and suppress their trade union activities. Their conditions of service are shown in service roles. An employee is liable to be transferred from one branch to another depending upon the exigencies of the service. It is false that he was persuaded to resign from the union. The Bank has implemented the bipartite settlement and has given them all the benefits. It is false that he was transferred in order to harass him or by way of victimisation. It did not send executives to ask the employees to resign from the union. Since the first party refused to obey the order of transfer and to work in the cash department, the memo were issued to him. His explanations were not satisfactory. To the memo dated 21-12-72 he admitted but tried to justify his action. He cannot challenge the authority of Krishnappa Shetty to issue the charge sheet. He had taken the assistance of his co-employee and had participated in the enquiry. The enquiry officer found him guilty. Notice was issued to him, in regard to the punishment. He pleaded for exonerations. On the examination of his cases, he was dismissed for lack of confidence. The action of the management is correct. The second party is a Banking institution and cannot retain a person, in whom confidence cannot be reposed. The chairman has considered all the material on record before passing the order. The Board of Directors dismissed his appeal on merits. The enquiry held against him is in accordance with law. He cannot challenge the competency of A. R. Bhat and Krishnappa Shetty. He refused to receive the orders of his superiors. The reference may be rejected.

5. On 9-8-78 the following additional issue was framed. Whether the enquiry held is proper and valid.

6. After receiving evidence and hearing the parties a considered order was passed on 22-12-80 and its was held that the domestic enquiry held against him is in accordance with the principles of natural justice. The workers alleged the

said order in W.P. No. 14636 of 1981, but however it was withdrawn and the first party was permitted to urge all the points before the Tribunal. The Hon'ble High Court of Karnataka has passed the said order on 13-9-84.

7. After the matter came up before this Tribunal, the parties were called upon to argue the matter.

8. The Learned Counsel for the first party submitted that he has filed his written arguments and that the same may be taken into account.

9. The Learned Counsel for the second party was heard.

10. My finding on the point of dispute is that the second party Bank was justified in dismissing him with effect from 6-11-75.

REASONS

11. The question that immediately arises for my consideration is whether the findings of the enquiry officer are perverse. The test of perversity is whether the finding is not supported by any legal evidence or whether it is based on such material that no reasonable person could have arrived at the finding complained of.

12. From para 7 of the report, the enquiry officer has taken up the case of the first party employee for discussion. From paragraphs 14 to 20 there is the discussion regarding the evidence of MW-1 to MW-7 and Ex M-1 to M-8 (as marked by the enquiry officer). Therein the enquiry officer has assessed the evidence of MW-1 to MW-3 and has rejected the suggestion that Ex. M-4 is an inter-lineation. There is no adverse finding as regards charged No. 2 of the first charge sheet. As regards charge No. 3 of the first charge sheet the enquiry officer has stated that he was inclined to give benefit of doubt to the first party employee. The finding of the enquiry officer that he disobeyed the orders of transfer and did not carry out the lawful and reasonable orders and thereby committed gross misconduct within the meaning of rule 6 of chapter 13 is supported by legal evidence and it cannot be said that the finding arrived at by the enquiry officer is such that no reasonable person could have recorded such a finding.

13. From paragraph 23 to 27 of the report the enquiry officer has discussed about the charges at No. (i), (ii) and (iv) of the second charge sheet. In paragraphs 23 to 27 of the report he has taken into account the evidence of MW-6, which shows that the employee had been given the work of bill purchase departments and was asked to make entries regarding the cheques of the federal bank on 2-12-72 and had been further told that the Bank had already issued a receipt to the party and it was necessary to make the relevant entry, but the employee refused to do so. He further discusses as to how the employee had threatened to strike work if any one made the concerned entry. He has taken into account the evidence of MW-4 Narayan that the employee was speaking in a very loud voice, he was boisterous and he was instigating other officials not to handle that work. The enquiry officer has also considered the documentary evidence and he has rejected the contention that the employee was on strike, in pursuance to a legal strike, the enquiry officer has further held that the said strike was illegal.

14. In para 5 of the written arguments the employee contends that the enquiry officer has not taken into account that the transfer order was not served on him and that the question of dis-obeying the order of transfer does not arise. On the basis of Ex. M-4 (as marked by the enquiry officer), the enquiry officer has not accepted the contention of the employee that the order of transfer was not made known to him. He has rejected the contention that the endorsement of Ex. M-4 is subsequently made. The said finding cannot be said to be perverse in the light of the evidence shown above.

15. The employee has contended in his written argument that the charge sheet does not contain the allegations that the strike was illegal and therefore the enquiry officer has gone out of the way in holding that it was illegal and that there was no notice the enquiry officer has discussed at considerable length about the acts committed by the employee regarding his refusal to make the necessary entries,

even though he was told that the concerned receipt has been already given to the party. He has further taken into account the mis-behaviour of the employee in being boisterous and in threatening that none other also should effect that entry. When there is a specific finding based on admissible evidence it cannot be said that the said finding is perverse. The second head of the charge in the charge sheet dated 3-10-73 is that he had behaved in rude manner and boisterously. The third head of the charge is that he had instigated other members of the staff to desist from handling cheques. The said charge, indicates that these were acts of misconduct, within the meaning of rule 6 (d) of the rules. In order to prove the alleged mis-conduct under rule 6 (d) the management need not have shown in the charge sheet that the alleged strike was illegal or that it was bound to prove that the strike was illegal. There is no force raised by the employee in that connection.

16. The findings of the enquiry officer cannot therefore be said to be perverse.

17. The employee has alleged that the management is guilty of unfair labour practice and stopped to victimise him. In a case where these alleged acts of mis-conduct are established, the question of the management practicing unfair labour practice or victimising the employee does not arise.

18. In para 4 of the written arguments it has been contended by the first party that the second party has not explained as to how the others deserved only a lesser punishment and as to why he is subjected to harsher punishment. Under section 11A of the Industrial Disputes Act, the propriety of the punishment is amenable to the jurisdiction of this tribunal. The first party has not pointed out to any material on record which leads to an inference that he has been discriminated. The burden is not on the second party to explain that it had better reasons to impose lesser punishment on others.

19. In the written arguments it has been contended that ignoring the letter of chairman dated 25-9-73, Sri Krishnappa Shetty had issued a charge memo dated 3-11-73. In the order dated 22-12-80 passed by this tribunal on the validity of domestic enquiry, in paragraph 13 it has been already held that the contention of the workman that the enquiry officer was not competent to issue a charge sheet cannot be upheld. The first party employee therefore cannot raise the same point again.

20. The first party has contended that the chairman has shown loss of confidence as a ground of dismissal, though neither there was a show-cause notice nor a finding by the enquiry officer to that effect. In the order of dismissal dated 6-11-75, the chairman has stated that in reply to the second show cause notice the employee has sent his reply dated 14-10-75 and had requested to be exonerated but that the enquiry officer did not find any justification for the same. The chairman then observes that after careful consideration of the matter and taking account of the evidence and record, the gravity of charges, he found that the employee cannot continue to have confidence and therefore he was dismissed from service for his mis-conduct. The order is specific that he has been dismissed for his mis-conduct. The observation that he had lost confidence is incidental. The reason assigned for the dismissal is that the charges of the mis-conduct had been established. It cannot be accepted that because there was no finding by the enquiry officer regarding loss of confidence, or in the second show-cause notice, the order of dismissal is bad in law.

21. In para 3 of the written arguments some authorities have been cited to press the point that the previous record has not been taken into account and therefore the order of dismissal is not valid. Rule 13(a) has been pointed out. It has been also urged that no personal hearing was given by the chairman. Rule 14(a) states that only if the chairman disagrees with the recommendation of the enquiry officer and desires to impose higher penalty then he should give the employee an opportunity of being heard. No provision from the rules has been pointed out that the employee is entitled to personal hearing by the chairman before the punishment dismissal is imposed.

22. It has been stated in the written arguments that as per rule 13(a) the punishment of dismissal ought to have been indicated in the charge sheet itself. Rule 13(a) states

that the charge sheet should set-forth the alleged acts of mis-conduct and call-upon him to show-cause as to why disciplinary action should not be taken and as to why appropriate punishment should not be imposed. It does not state that any punishment should be specifically stated in the charge sheet itself before making an enquiry into the alleged acts of mis-conduct.

23. The authorities shown in the written argument for the first party have not been produced before me. In the absence of the authorities, it is difficult to appreciate the contention that the order of dismissal is illegal on the ground that it is not in accordance with rule 15. It states that in awarding the punishment, the gravity of the mis-conduct previous record and any other aggravating or extenuating circumstance should be taken into account. The learned counsel for the second party submitted that the chairman had taken into consideration the facts regarding the matter, the evidence on record, the gravity of the charges and therefore it is in accordance with rule 15.

(a) For the second party the case of the chairman board of mining examination V/S Margee (AIR 1977 Supreme Court page 965) was cited to show that if fairness his shown absence of strict adherence to form does not amount to breach.

(b) The case of workmen of Indian Overseas Bank V/S Indian Overseas Bank (1973 I LLJ page 316) was relied upon to show that if past record is brought to the notice of the disciplinary authority and if he refuses to consider the same, it may be said to be an infirmity and the order of dismissal may be set aside but if the same is not brought to his notice. The omission to refer to the same cannot be a fatal infirmity. In the written arguments there is no reference to the past record or about any extenuating circumstances on that they were brought to notice of the disciplinary authority, and that the same was not taken into account. In view of the principle laid down in the authority I am of the opinion that non-consideration of the previous record cannot be said to be fatal.

24. The learned counsel for the second party contended that the grievance of the employee that the punishment is harsh or un-reasonable cannot be accepted, since it is the case of grave indiscipline and insubordination. The case of Sarabhai M. Chemicals (S.M. Chemicals and Electronic Limited) (1980 I LLJ page 295) was referred and it was pointed out that the test is that no reasonable employer can impose such punishment in like circumstances and then only the Tribunal can exercise powers under section 11A of the I.D. Act. Looking at the fact that the employee did not make the entry even when he was told that receipt had been already issued to the party and his further conduct that he threatened to go on strike if any other employee makes the entry, show that he exceeded the bounds of legitimate protest, and indulged in acts of indiscipline. It cannot be said that the punishment is unreasonable in the light of the facts and circumstances of the case.

25. In the result, an award is hereby passed to the effect that the management cannot be said to be justified in dismissing Sri K. Chandrabasa, a clerk of the second party Bank with effect from 6-11-1975 and that he is not entitled to any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).
Dated : 24-9-87.

B. N. I. ALGE, Presiding Officer
[No. L-12012/85/76-D.II(A)(Pf)]

का. आ. 3149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, केन्द्रीय बैंक के प्रबंधतंत्र से सम्बद्ध और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-87 को प्राप्त हुआ था।

S.O. 3149.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the Canara Bank and their workmen, which was received by the Central Government on the 9th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 28th Day of September, 1987

Sri B. N. Lalg, B.A. (Hons) LL.B.—Presiding Officer.
Central Reference No. 98/87

FIRST PARTY

R. Mohan,
Girija Nilayam,
Subbayyana Palya,
M. S. Nagar Post,
Bangalore-33.

SECOND PARTY

V/s. Managing Director,
Canara Bank Head Office,
112, J. C. Road,
Bangalore-560002.

APPEARANCES:

For the first party : No representation.

For the Second party : S. S. Ramadas, Advocate (Hons.)

AWARD

By exercising its powers under section 10(1)(d) of the I.D. Act, the Government of India, Ministry of Labour has made the present reference on the following point of dispute by order No. L-12012/231/86-D.II(A) dated 5-5-87.

POINT OF DISPUTE

“Whether the action of management of Canara Bank is justified in terminating the services of Shri R. Mohan, Clerk, Chakavadi Branch, with effect from 11-10-1985? If not, to what relief is the concerned workman entitled?”.

2. Notices were duly served on the parties. On 15-6-1987 the first party R. Mohan appeared in person and prayed for time. Sri S. S. Ramadas, Advocate filed vakalat for the second party. The case was then adjourned to 2-7-1987 for the claim statement of the first party. The employee R. Mohan did not appear, not only on that day, but also till today. His right to file the claim statement was forfeited. The second party was called upon to file its statement and allowed to adduce evidence by affidavits.

3. The second party has filed its statement and its contentions in brief, are as follows :—

4. R. Mohan was working as clerk in Chakavelu Branch since January 1984. The second party is a nationalised Bank. The employees of the second party are governed by Canara Bank Service code, Shastry Award, Desai award and various bipartite settlements. Clause XVI of the IV bipartite settlement dated 17-9-1984 deals with the case of an employee, who is deemed to have voluntarily retired from service. For the purpose of general information a circular dated 15-11-1984 was circulated among all the employees on containing the said information. He remained absent unauthorised from 31-12-1984. A letter dated 13-3-1985 was sent to his last known address and he was asked to report for duty on or before 25-3-1985. It was sent by registered post A.D. It was received by him on 21-3-1985. He neither sent any reply nor presented for duty. The management concluded that he had no intention to join the duties. A notice dated 2-5-1985 was sent to him to report within thirty days. It was duly served on him on 9-5-1985. He neither appeared nor did he send any reply. The management waited till 1-10-1985,

but there was no response. It is therefore deemed that he has retired with effect from 11-10-1985. It does not amount to retrenchment. The reference may be rejected.

5. The management has filed the affidavit of one P. N. Ramesh, a law officer. It has got marked Ex. M-1 to M-10.

6. The second party have been heard.

7. On facts the affidavit of P.N. Ramesh discloses that as per the fourth bi-partite settlement an employee is deemed to have voluntarily retired if he remains absent unauthorised for more than ninety days and does not respond to a notice of thirty days. He has further stated that the circular dated 15-11-1984 had been issued in that connection. The fourth bi-partite settlement is at Ex. M-9. Ex. M-5 is the circular dated 15-11-1984. Clause 16 on page 62 marked as Ex. M-9 (a) and the circular Ex. M-5 substantiate the affidavit of the P.N. Ramesh. The said affidavit Ex. M-1, and the letter dated 13-3-1985 disclose that he was given an opportunity to explain his absence and report to duty by 25-3-1985. Ex. M-2 is the postal A.D. It bears the signature of the employee Mohan. The affidavit and Ex. M-3 show that because he did not report for duty as per Ex. M-1, he was again called upon to report to duty within thirty days, failing which he was told that it will be deemed that he had voluntarily retired from service. Ex. M-4 is the postal A.D. for the same. Ex. M-6 is the proceedings of the General Manager and it shows that because he had failed to report to duty in spite of many chances, it was deemed that he had voluntarily retired from services. Ex. M-7 is the postal A. D for the same. Ex. M-8 is the proceedings of the Deputy General Manager dated 18-11-1985 and it shows that the fact of his voluntarily retirement has been recorded.

8. The case of S. Govindrajan V/s. K.S.R.T.C. (1968 II LLJ page 351) was cited to show that an opportunity of explanation was given to him, but he did not avail the same and that the recording of his voluntary retirement is in accordance with law.

(a) The case of Shankaraiah V/s. K.S.R.T.C. (1986 I LLJ page 237) has been cited to support the contention that if the termination of the services is in terms of order of appointment, then it does not amount to retrenchment.

(b) The authority of Binny Limited V/s. proceeding officer, Labour Court (1986 I LLJ page 237) has been referred to point out that if the termination of the service is by operation of a statutory standing order, it will not amount to retrenchment.

(c) The case of Hamdard Dhawakhana (WAKF) Delhi V/s. Labour Court, Delhi (1965 FJR page 300) was pointed out to support the submission that the employer has the discretion to treat the case of absence as unauthorised under a certain rule and that in such case the termination will be automatic as per the rule.

9. The bi-partite settlement Ex. M-9 and the circular Ex. M-5 are binding on the first party employee. All the conditions required for treating it as a voluntary cessation of employment by the employee are fulfilled and it is obvious that if becomes voluntary retirement. The definition of retrenchment does not include voluntary retirement of the workman as per section (oo)(a). If the cessation of employment is under provisions of settlement, and if opportunity had been given to him to explain his absence and if he has not availed of the same, the aforesaid authorities show that he is not entitled to any relief and it will not be a case of termination of the services. I find that the first party workman is not entitled to any relief.

10. In the result, an award is hereby passed to the effect that it is not a case of termination to services, but it is a case of voluntary retirement of Sri R. Mohan, the clerk of Chakavelu Branch and that he is not entitled to any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

Dated 28-9-87

B. N. LALGE, Presiding Officer
[No. L-12012/231/86-D.II(A)(Pt.)]

का. आ. 3150.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक अफ बैंडीश के प्रबंधनत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद के केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-87 को प्राप्त हआ था।

S.O. 3150.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government on the 12th October, 1987.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Industrial Dispute No. 89/86

Reference No. L-12012/232/81-D. II(A) dt. 20-5-86

In the matter of dispute between :

Shri O. P. Gupta.

President,

National Confederation of Bank Employees

19 Garbarhala,

Aminabad

LUCKNOW

AND

The Regional Manager

Bank of Baroda,

4 Park Road,

Hazaratganj,

LUCKNOW

APPEARANCE :

Shri V. N. Sekhari, representative for the workman.

Shri A. N. Verma, representative for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/232/81-D. II(A) dt. 20-5-86, has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Bank of Baroda in terminating the services of Shri Madan Lal, Peon-cum-watchman, Puranpur Branch is justified? If not, to what relief is the workman concerned entitled?"

2. In June, 1975, Shri Y.K. Agrawal, I. D. Trivedi, and Madan Lal (hereinafter referred to as workman) were working as Agent, Cashier and Peon-cum-Watchman respectively in the Puranpur Branch, District Pilibhit of Bank of Baroda. In respect of all eged incident of gross misbehaviour and assault on Agent on 21-6-75, the workman was served with a Charge Sheet dt. 3-8-76, the relevant portion of which reads as under :

That on 21-6-75, while you were working at our Puranpur Branch you have committed following acts of commission and omission;

1. On 21-6-75 at about 10-00 a.m. when the branch Agent instructed you to bring usual books, ledgers, you got furious and threw those books on the Agent's table in a disordered way. When the Agent advised you to work properly in the Bank you became angry and replied :

"Kaise kande se kam kiya jata hai, Timhi Batao"

2. At about 10.20 A. M. Mr. Y. K. Agrawal, the Agent required you to bring a glass of water. The Agent was about to take it but he noticed the water was not clean. As the water was not clean, he asked you to change the water. You got furious. You lifted the glass of water and pointing it towards the Agent questioned him as to what was wrong with that water and how was it not clean. You shouted in a derogatory language. Against the Agent to the effect that KHAMKHAH PARESHAN KIYE HAIN. When one client of the Bank who was sitting in front of the Agent advised you that when this water was dirty by you should not change it. You again shouted and abused the Agent saying "Bas PARESHAN KARTE HAIN."

3. At about 11.15 A.M. the Agent asked for certain ledgers and registers. When the Agent remained you for the same, you, while making faces towards him, arrogantly shouted him "LA TO RAHE HAIN". The Agent enquired as to what were you doing, you arrogantly and insultingly replied to the Agent ABHI DANT KHOD RAHE HAI. You immediately rushed towards the ledgers/registers, brought and roughly threw them on his table. You were again advised by the Agent that the ledgers, registers would be torned with this sort of rough handling.

4. The Agent thereafter (i.e. after -3. above) telling you the specific number of recurring deposit ledger instructed you to bring the same. You instead of bringing the register asked for, wilfully brought all the three R.D. ledgers and contemptuously threw them on the Agent's table by shouting in abusive and derogatory language to the effect "JO CHAHYE LE I.O. HAME NAHIN MALUM NUMBER VOUMBER, BARE AGENT KE CHODE BANE HAIN". When the agent advised you to behave properly you abused and insulted him and threatened him by saying "TUMHARE MAN ME AYE VO KAR JENA TUMHEN YAHAN RAHNA HAI KI NAHIN KANPUR KA RASTA DHOODNA MUSHKIL HO JAYEGA".

5. The Agent after the incident at -4. above to call for your explanation on your above behaviour by issuing memo in writing to you. Knowing this you very furiously shouted at the Agent. You abused and insult him and threatened the Agent by saying "EK COPY KHUDA KE PAAS BHI BHEJ DFNA, MEMO DE KAR DEKHO. NATIJA BHI DEKH. TUM MEMO DEOGE TO HAM KYA TUMHEN CHHOR DENGE. LAGATA HAI GIDAR KI MAUT AAYEE HAI". This shows that you have insulted, abused and intimated the branch Agent Mr. Agrawal for inducing him not to issue the memo to you. You also obstructed him preparing the memo referred to above.

6. The Agent when advised you not to obstruct him from preparing the memo, you also further threatened him of dire consequences and insulted and abused him by shouting to the effect, "DEKHO LETTER DEOGE TO TUMHARI HAM APNE ASLIFF BAAP KE PAIDA HUYF TO TUMKO ZINDA NAHI CHORENGE. You then went inside the room behind the chair of the Agent.

7. At about 12.10 p.m. you rushed out of the room behind the chair of the Agent and furiously shouted at the Agent saying "LETTER DE RAHE HO. ACHCHA LAO KAHAN HAI LETTER". You snatched away the papers lying on the Agent's table and pushed him. You assaulted him and forcefully pushed him as a result of which he fell down on his chair. You then immediately attacked on him and caught hold of him by his neck and while pressing his neck you shouted in abusive and filthy words and threatened him of his life with words "AAJ TUMHE ZINDA NAHI CHHO ROONGA" and AUR LETTER DE SALE BHAINCHOD. Due to the said violent attack, assault and threat to the life of Agent by you, the Agent cried for help.

However, the Cashier Shri Ishwar Dayal pulled one by one both the entered shutters down, rushed towards the Agent and shut his mouth by his hand. You then said "ISKO SALT KO ANDAR LE CHALO, JALDI ANDAR LE CHALO." The Agent tried hard to free himself and escape from your grip. As soon as he got a chance he ran out of the branch to save himself and went to the police station and sought the police protection.

Your above acts amount to your serious misconduct. It has, therefore, been decided to hold a departmental enquiry into your conduct.

The bank charges you as under :

1. Act subversive of discipline which is act prejudicial to the interest of the Bank which is a gross misconduct under clause 19.5J of the Bipartite Settlement.
2. Act prejudicial to the interest of the Bank which is a gross misconduct under clause 19.5I of the Bipartite Settlement.
3. Wilfull insubordination which is a gross misconduct under clause 19.5(e) of the Bipartite Settlement.
4. Indecent behaviour on the premises of the Bank which is a gross misconduct under clause 19.5(c) of the Bipartite Settlement.
5. Disorderly behaviour on the premises of the Bank which is a gross misconduct under clause 19.5(c) of the Bipartite Settlement.
3. The inquiry was entrusted to Shri S. S. Desai, Officer, Department of Inquiry Cell and Special Investigation Cell Baroda. The Inquiry Officer in his inquiry report dt. 3-9-78 held all the charges except charge No. 3 as proved against the workman. Thereafter, the Inquiry Officer gave a show cause notice to the workman on the question of proposed punishment. After considering the representation made by the workman against it, the Inquiry Officer ordered discharge of workman from service with the direction that the order of discharge would be given effect after compliance with the provisions of section 33 I.D. Act in view of the pending conciliation proceedings. Against the order of punishment the workman filed an appeal. However, the Appellate Authority by its order dated 10-3-80 dismissed his appeal.

4. The workman has challenged the order of his discharge from service on a number of grounds. According to him there had been undue and abnormal delay in the conduct of disciplinary proceedings against him. The Management was guilty of discrimination against him in-as-much as they did not take any disciplinary proceedings against the Cashier although he was described as co-accused by the Agent. The Inquiry Officer further wrongly placed reliance on hearsay evidence of Shri S. S. Seth, Manager, Bareilly branch to whom the incident was said to have been narrated by the Agent on telephone. The Inquiry Officer further erred in placing reliance on certain reports although persons making such reports were not produced at the inquiry. The findings as such given by the Inquiry Officer are perverse. Even material documents were not made available to the workman during course of inquiry. The workman has then alleged that the action of the Management in treating him as discharged from service w.e.f. 2-7-79, is illegal as the order of discharge dated 2-7-79 was put into communication to him on 23-7-79. He has also alleged that once the police authority decided that there was no case for prosecution against the workman all that the Management could do even after holding the inquiry against him was to terminate his services with 3 months notice and allowance in lieu of notice and payment of his full pay and allowances for the period of his suspension.

5. On the other hand, it is pleaded by the Management that there is no merit in the points raised by the workman in his claim statement. The order of punishment is a perfectly legal order and that the inquiry proceedings were conducted by observing all the norms and principles of natural justice.

6. In this cast from the side of the management affidavit of Shri S. S. Desai, Inquiry Officer, has been filed and the workman has filed his own affidavit in support of their respective cases. These witnesses were cross-examined by other side. A number of documents have also been filed by both

the sides. A few documents have been filed by Management under the orders of the Tribunal passed on the application of the workman for summoning documents.

7. The first point which has been urged on behalf of the workman in this case is that the construction of Charge-sheet is bad in-as-much as the Management has not taken disciplinary proceedings against the Cashier who was also named as co-accused by the Agent. In this connection Sri V. N. Sekhari, authorised representative for the workman, has referred to the photostat copy of letter dated 2-7-75 written by Agent to the Regional Manager, Lucknow. In support of his arguments Sri Sekhari has placed reliance on the ruling in the case of South Kujama Colliery Vs. C.G.I.T., Dhanbad and others 1967 II-LIJ page 193 (Patna). It was a case where the workman was dismissed for misconduct of sleeping while on duty while other workmen for similar offence were let off with a simple warning. It was held that the punishment of dismissal being discriminatory was unjustified.

8. On the other hand, it has been argued by the authorised representative for the Management that the above ruling has no application to the facts of the present case. Whereas the case in which the above ruling was given where workmen were guilty of similar misconduct, it is not so far as the present case is concerned. On a plain reading of the letter dt. 2-7-75 to which reference has been made by Sri Sekhari, it will appear that major and prominent role in the commission of offence of gross misbehaviour and assault were committed by the workmen. All that can be said to that the workman had tacit and some times vocal support of the Cashier. Before taking up disciplinary proceedings, it has to be seen whether or not there is sufficient material to proceed against a particular workman. In the instant case Sri Sekhari has cleverly avoided reference to the F.I.R. which was lodged by the Agent in respect of the offence dated 21-6-1975 at the police station. The photostat copy of the F.I.R. has been filed by the bank and it is paper No. 2 of the list of documents dt. 19-12-86. It is not that the workman was not aware of the F.I.R. In fact as will appear from the photostat copy of the inquiry proceedings filed by the bank under the orders of the Tribunal on the application of the workman that copy of FIR at the start of the proceedings was given to the representative of the workman. The FIR will show that it was lodged only against the workman Sri Madan Lal. Therefore, it is quite possible that the Management did not think it proper to take up disciplinary proceedings against the workman.

9. After hearing two sides, I find force in the arguments of the authorised representative for the management. The point urged before me by Sri Sekhari has no force at all. It has been rightly pointed out by authorised representative of the Bank that the facts of the case in which the ruling was given and the case before us are not the same. It is not out of place to remark that daily we see that in some of the cognizable cases where there are more than one accused, the Investigating Officer does not give charge sheet against some of the accused on the ground of there being no sufficient material to proceed against them. Similarly in criminal cases some of the accused are acquitted on account of there being no evidence or weak evidence against them. If, therefore, the bank in its wisdom, on the basis of insufficient material did not like to proceed against the Cashier it would not render the domestic inquiry proceedings against the workman illegal.

10. The second point urged by Shri Sekhari is that the defence representative at the domestic inquiry was denied the privilege of getting copies of documents on which the Management replied upon. The authorised representative of the Bank submits that the point urged is devoid of merit. It will appear from the inquiry proceedings that copies of all material documents were furnished to the defence representative. From page 3 of the inquiry proceedings it will appear that the defence representative asked for the following documents :—

1. Memo calling explanation of the workman;
2. Names, addresses and particulars of the supposed customers who were alleged to have witnessed the offence;
3. Agent's report to the Regional Manager's Office Lucknow regarding occurrence;

4. Copy of F.I.R.
5. Copy of findings of the police;
6. Copies of letter F.I.R. served or exchanged in respect of Sri I. D. Trivedi;
7. Copy of investigation report by bank official
8. Statement of Agent to the Bank for delay in issue of charge sheet; and
9. List of papers alleged to have been snatched away from the Agent by workman.

11. From page 3 it will appear that copy of Agent's report and the copy of F.I.R. were given to the defence representative. Document mentioned at serial no. 1 was not relevant; document mentioned at serial no. 5 was out of reach of the bank and the Inquiry Officer; documents mentioned at serial no. 6 were not relevant as he was not being produced against document mentioned at serial no. 8 too is not material and document mentioned at serial no. 7 was also not considered as material document by the Inquiry Officer, who at page 18 of the inquiry report observed that it was of a preliminary nature and that the prosecution did not rely on it to prove its case. As regards document mentioned at serial no. 9, the authorised representative of the bank submits that being a simple allegation of fact made by Agent it was to be proved by prosecution as a fact. Non furnishing of the list would simply amount to this fact having not been pressed.

12. After hearing both the sides I find that even in this point of the authorised representative for the workman I do not find much force. The authorised representative of the bank have fully explained every thing on the point. The material documents were certainly the copy of the F.I.R. and Agent's report to the R. M. Office whose copies were furnished to the Defence Representative at the beginning of the inquiry. As regards the names of the witnesses, they are found mentioned in the Agent's report to the R. M. Office at Lucknow. So Defence representative could well find out as to who these persons were. Besides none of these witnesses was examined by department at the inquiry.

13. Thirdly, it has been argued by Sri Sekhari, that the findings given by the Inquiry Officer are perverse being not based on legally admissible evidence. For instance none of the witnesses named by the Agent in his report dt. 2-7-75 to the R. M. Office, of which reference has been made earlier was examined at the inquiry to corroborate the testimony of the Agent. Further reliance was placed by the inquiry officer on hearsay evidence of Sri S. S. Seth, Agent Bareilly Branch of Bank of Baroda. As such the findings of the Inquiry Officer are vitiated.

14. From the side of the management it has been argued by the authorised representative that it is not the law that the uncorroborated testimony of the complainant should not be relied upon. In a case where no independent witness comes forward to corroborate the complainant, all that is required by law is that the testimony of the complainant should be examined with due care and caution. In the instant case it has to be noted that the workman did not put himself in the witness box to deny the facts deposed to by the Agent against him at the inquiry. Domestic Tribunals do not enjoy powers of court of law who can compel the attendance of witnesses. Therefore, even if there is an earnest desire on the part of the prosecution in a domestic inquiry to examine public witnesses, the inquiry officer cannot enforce their attendance if they are not prepared to come and depose at such a inquiry. From the proceedings it will appear that the prosecution even wanted to examine District Magistrate but he could not examine him. As regards the evidence of Sri S. S. Seth all that he has to say to that he was not a witness of fact. He was simply a witness of the fact that on telephone the Agent told him about the facts about occurrence. His evidence was in the nature of a circumstance to corroborate the testimony of the Agent.

15. After the two sides and after going through the findings, I am of the view that there is nothing from which it may be held that the findings are perverse or based on

legally inadmissible evidence. The evidence of Sri S. S. Seth is in the nature of res-gesta. Under Evidence Act what is told by a victim to others soon after the occurrence is a relevant fact. If it is a relevant fact it can be taken notice of by the authority of a circumstance. However, I may make it clear that I do not dispute nor it has been disputed by the authorised representative of the bank that if the findings are based on legally inadmissible evidence, they would be vitiated. Even no reliance can be placed on hearsay evidence. Further it is the quality of evidence and not the quantity which matters. In the instant case we have seen that no evidence was given by the workman in defence at the inquiry as will be evident from the proceedings noted at page 99 of the inquiry proceedings.

16. In the circumstances unless there was inherent improbabilities in the prosecution version, the evidence of the complainant would have to be believed. There is nothing that Agent had any previous enmity with the workman.

17. Lastly on the question of punishment it has been argued by Sri Sekhari, authorised representative for the workmen, that it is disproportionate and excessive, it does not amount to major misconduct. For this he has placed reliance on the following two rulings;

1. Ved Prakash Gupta Versus M/s. Delton Cable India (P) Limited, 1984, Lab IC page 656; and
2. Chhotalal Vithaldas Vs. Halhar Salt Chemical Works 1986 Lab IC page 938.

I have gone through the two rulings and find that they have no application to the facts of the present case.

18. In the first ruling the services of the workmen were terminated on the ground that he used filthy, derogative and abusive language against co-workers. It was held that punishment awarded is shockingly disproportionate, regard being had to the charge framed against him. In the second ruling the workman was found being rude to the manager of the company. It was held that the award of punishment of dismissal from service was wrong.

19. In the instant case the workman was found guilty of not only gross mis-behaviour with the Agent but also he went a step further by assaulting him and holding a threat to his life. The Management have filed the photo copy of the inquiry report of the Agent. The inquiry report has not been admitted by Sri Sekhari, authorised representative for the workman. Mere denial will not be sufficient in this case because in this case by means of his application dt. 19-12-1986, on behalf of the workman, he summoned the original photocopy of the inquiry proceedings and exhibits filed the inquiry. The inquiry report was proved by the Agent at the enquiry, as will appear from the inquiry proceedings. As such, such a workman is most unfit to be retained in service. It thus clearly amounts to gross misconduct within the meaning of para 19.5 of Bipartite Settlement for which major punishment of dismissal from service under para 19.6 of the said settlement is provided.

20. It was argued from the side of the workman that the workman was being asked to do over time when he was not willing to do so and, therefore, this case had been cooked up against him. Since it has been held that findings given by Inquiry Officer are not perverse nor they can be successfully assailed on any other ground, it cannot be said that the case has been cooked up against the workman. The grievance of the workman to which Sri Sekhari has referred is no grievance at all. It is great pity that the workman was not prepared to do over time for an institution which was his bread giver. It is not said that he was not being paid for over time. If due to some increase in work the Agent wanted him to do over time, I do not understand what was the hitch for the workman to do it. If he had any grievance on this count he could have referred the matter to the Regional Manager.

21. Thus, I find nothing illegal either in the inquiry or in the punishment awarded to the workman. Hence, it is held that the action of the Management of Bank of Baroda

in terminating the services of Shri Madan Lal, Peon-cum-Watchman, Puranpur Branch, is justified.

21. Award, is made accordingly.

22. Let six copies of this award be sent to the Government, for its publication.

Dt. 30-9-1987.

ARJAN DEV, Presiding Officer.
[No. L-12012/232/81-D. II(A)]
N. K. VERMA, Desk Officer.

नई दिल्ली, 23 अक्टूबर, 1987

का.आ. 3151—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (d) के उपखंड (VI) के उपबन्धों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 1206 दिनांक 27 अप्रैल, 1987 द्वारा किसी भी तेल क्षेत्र से में सेवा को उक्त अधिनियम के प्रयोजनों के लिये 10 मई, 1987 से छह मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (d) के उपखंड (6) के परन्तु क्षेत्र प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 10 नवम्बर, 1987 से छह मास की और कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/5/85-डी-1(ए)]

नन्द लाल, अवर सचिव

New Delhi, the 23rd October, 1987

S.O. 3151.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1206 dated the 27th April, 1987 the service in any Oil field to be a public utility service for the purposes of the said Act, for a period of six months, from the 10th May, 1987;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 10th November, 1987.

[No. S-11017/5/85-D.I(A)]
NAND LAL, Under Secy.

87/1443 GI—11.

नई दिल्ली, 23 अक्टूबर, 1987

का.आ. 3152—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारत कोकिं कोल लिमिटेड, के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 23rd October, 1987

S.O. 3152.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 14th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 308 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Messrs. Bharat Coking Coal Limited, and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.
On behalf of the employers—Shri G. Prasad, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 30th September, 1987

AWARD

The Government of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 had referred the following dispute to the Central Government Industrial Tribunal No. 1, Dhanbad for adjudication vide their Order No. L-20012(835)/82-D.III (A) dated 29-4-83. But subsequently the said reference was transferred to this Tribunal vide their Order No. L-20025(8)/85-D.III (A), dated, the 18th August, 1986.

SCHEDULE

'Whether the action of the management of Messrs Bharat Coking Coal Limited in not absorbing the Homeguard followers listed in the Annexure below, on the rolls of the management, is justified ? If not, to what relief are these workmen entitled ?'

ANNEXURE

1. Shri Kashi Nath Sharma
2. Shri Madan Thakur
3. Shri Ghanshyam Thakur
4. Shri Ramdeo Pd. Rai
5. Shri Banshi Ram
6. Shri Ram B'sun Pandey
7. Shri Upendra Rajak
8. Shri Kapildeo Thakur
9. Shri Kashi Kant Mishra
10. Shri Janaki Mahto
11. Shri Gafaran Ansari
12. Shri Pendra Rajak-2
13. Shri Radheshyam Prasad

14. Shri Yadunandan Thakur
15. Shri Shankar Singh
16. Shri Gopal Pandit
17. Shri Jitendra Rajak
18. Shri Nar Bahadur
19. Shri Kamal Rai
20. Shri Ashok Kumar Singh
21. Shri Gyani Dubey.

The case of the workmen is that after the take over of the coal mines, BCCL requisitioned the services of the Homeguard for security of the coal Mines. The Home guard personnel were lent on deputation by the State Government of Bihar sometime in July or August 1972. Gradually the Home Guards in the colliery were replaced by the Central Industrial Security Force (CISF). The BCCL appointed some Homeguard followers as ancillary workers as wok, barber, washerman, water fetcher, cobbler etc. The said Home guard followers were appointed by the DIG/Chief of Security, BCCL. The said Homeguard followers were paid through the bills prepared by the DIG/Chief Security of BCCL. When the Homeguards were reverted back to their parent body in the State of Bihar, about 100 home guard followers including the concerned workmen were retained by BCCL on daily remuneration of Rs. 12 only in 1981. A correspondence ensued between Shri S. K. Choudhury, the then General Manager (P) and Shri F. Ahmed the then Commandant General, Bihar Homeguard, resulting in assurance by BCCL that the Home guards followers will not face any hardship and they will be properly looked after. The letter dated 5-4-81 from Shri F. Ahmed, Commandant General, Bihar, Homeguard with reference to D.O. letter dated 27-3-81 from Shri S. K. Choudhury was written to that effect. As per the said assurance at least 26 home guard followers were absorbed in the employment of BCCL but the concerned workmen were not given employment. Inspite of repeated representation the case of the concerned workmen were not considered by the management of BCCL. It is not only that the case of the concerned workmen were ignored by the management of BCCL but a considerable number of persons were subsequently recruited in the channel of Home guard followers although the main body of Home guards had moved away from BCCL to their parent body in March, 1981 and those subsequently recruited persons are given regular employment in the security department of BCCL. The action of the management in not absorbing the concerned workmen who were working as Home guard followers is not justified. On the above facts it has been prayed that an Award be passed for absorption of the concerned workmen in the security department of BCCL with other benefits as may be deemed fit.

The case of the management is that the reference is bad and not maintainable. The establishment/office of the Chief of Security/DIG of BCCL is not a mine under the I. D. Act and the concerned workmen are not persons employed in a 'mine'. The concerned persons are not 'workmen' under the I.D. Act. They are integral parts of Bihar Home guard and are employed in the Police services. The Home guard personnel are lent on deputation by the parent department i.e. the State Government of Bihar for the security of the Coal Mine. Merely because the services of the Home guards are transferred on deputation temporarily, it does not mean that a contract has come into existence with the BCCL or the Central Industrial Security Force. There was no employer and employee relationship between the concerned person and BCCL. They were never on the pay roll of BCCL. A good number of ex-home guard followers were given jobs in the security department under the CISF as followers in 1979 and the persons who had not in one year or more service as followers were considered by a duly constituted selection committee and a number of them were absorbed by CISF. Those absorbed by CISF are not on the roll of BCCL.

The concerned 21 persons named in the reference were orally called for interview by CISF and Sl/Sl Shri Kashinath Sharma (Sl. No. 11), Kashikant Mishra (Sl. No. 9), Janki Mahato (Sl. No. 10), Shankar Singh (Sl. No. 15), Gopal Pandit (Sl. No. 16), Kamal Roy (Sl. No. 19) and Ashok Kumar Singh (Sl. No. 20) of the reference were appointed by the CISF in various grade/cadre depending upon their suitability. Md. Gaffar Ansari Sl. No. 11 was not selected by the said screening committee of the CISF. Shri Radhe-shyam Pd. (Sl. No. 13) and Bansi Ram (Sl. No. 5) did not

appear in the said interview. The rest concerned persons namely S/Shri Madan Thakur, (Sl. No. 2), Ganshyam Thakur (Sl. No. 3), Ramdeo Pd. Rai (Sl. No. 4), Ram Bisu Pandey Sl. No. 6, Upendra Rajak (Sl. No. 7), Kapildeo Thakur (Sl. No. 8), Upendra Rajak (Sl. No. 12), Jadunandan Thakur (Sl. No. 14), Jitendra Rajak Sl. No. 17, Gyani Dubey Sl. No. 21 and Nar Bahadur (Sl. No. 18) who had appeared in the said interview were not found suitable and could not be selected. There was no contract between the State Government of Bihar and the BCCL that the Homeguard followers shall be provided employment by BCCL. The case of all the concerned persons were considered and 7 out of them had already been absorbed by CISF before the reference was made on 29-4-83 and as such the reference is infructuous. The action of the management of M/s. BCCL in not absorbing the rest of the 14 concerned persons who were either not found suitable by the CISF or who did not attend the interview or who did not report for duty after selection is fully justified.

The points to be determined in this case are whether (1) the concerned persons are entitled for being absorbed on the rolls of BCCL (2) whether the concerned persons were employed in a mine so that the reference could be made by the Central Government and (3) whether the concerned persons were workmen as defined under Section 2(s) of the I. D. Act.

The management examined four witnesses in all and exhibited documents as Fx. M-1 to M-16. The workmen examined two witnesses and produced documents which have been marked Ext. W-1 to W-5.

Now, it is admitted fact that the seven concerned persons S/Shri Kashinath, Shri Kashinath Mishra, Shankar Singh, Kamal Roy, Janki Mahato, Gopal Pandit and Ashok Kumar Singh have been given employment in CISF. Ext. M-3 and M-4 will show that the above 7 concerned persons were selected in an interview and were appointed by the CISF from 21-5-82 except Shankar Singh who was absorbed on 12-6-82. Ext. M-3 will further show that the criteria for selection was that there were ex-Bihar Home guard followers deployed in BCCL who were thereafter absorbed in CISF through screening committee. It will thus appear that so far the dispute in respect of 7 persons are concerned, they have already got employment and there is no dispute regarding their employment. The dispute therefore remained in respect of the remaining 14 concerned persons.

It is admitted case of the parties that the concerned persons were appointed as Home guard followers after the Homeguards were deployed in BCCL for the security of the Coal Industry after the Coal Industry was nationalised. At the very outset it must be understood that the concerned persons were not Home guard personnel and they were employed to work as Home guard followers after the Home guards were deputed for Industrial security in BCCL. MW-1 Shri A. K. Srivastava is working as Head Asstt. in BCCL Security Headquarters. He has no doubt, stated that the concerned persons who were Home guard followers were not the workmen of BCCL and that they were never on the pay roll of BCCL. He has stated that whenever the Home guard battalion moved or camped the services of some persons were required for doing ancillary work in connection with camping of home guard battalion in BCCL. He has further stated that the Home guard followers used to do the cleaning work, cooking work, barber work, washerman of the Homeguard etc. and the concerned persons were also doing the said work of Home guards. In his cross-examination he has stated that Shri R. N. Singh was the Chief Security Officer of the Security department of BCCL when he came in the security department of BCCL in 1976 and that Shri R. N. Singh continued in that capacity till 1980. He has stated that Shri Chouhan succeeded Shri R. N. Singh in 1980 and continued till August, 1983. He has further stated that in 1982 CISF Personnel were posted in BCCL and they took over from the Home guard personnel deputed in BCCL. He has further stated that the Home guard personnel were under the control of the Head of Security of BCCL. He has also stated that some of the Home guard followers were given over to CISF and reimbursement of those persons were made by BCCL. According to him CISF had their own followers besides those home guard followers who were given over to CISF. He has further stated that the security department of BCCL had no concern with CISF. Thus it will appear that the

Security department of BCCL was a separate body belonging to the BCCL and it had no concern with CISF. He has stated that there are 3500 persons working in the security department of BCCL who are paid directly by BCCL. Ext. 3 was working as Personnel Manager from 1976 to March, 1982 in the Security department of BCCL. He has stated that the Central Government posted CISF in the Government of India Industrial undertaking and that the staff and personnel of CISF do not belong to BCCL. He has stated that Home guards had been posted in BCCL as Security Guards as the Security Personnel of CISF had not fully taken over the security work of the colliery. He has stated that the staff of Home guard were not the staff of BCCL and that there were Home guard followers who had to do ancillary work for the Homeguard and the concerned persons were working as Home guard followers. In cross-examination he has stated that the commandant of Homeguard was under the Chief of Security Shri R. N. Singh and that Shri Chouhan was a successor of Shri R. N. Singh. Ext. 4 was posted at Security Headquarters at Jealgora colliery from April, 1972 to March, 1977 in the personnel department, he has stated that there was no posting of CISF when the colliery was taken over by BCCL in May, 1972 and that after the take over by BCCL Homeguards were posted for the security of the colliery from July, or August, 1972. He has stated that Homeguards posted in BCCL were not the employees of BCCL. He has no doubt stated that the Homeguard commandant appointed the Homeguard followers for doing the work of cooking, Washing, cleaning, etc. It will appear that this statement of his is not correct which I will discuss hereafter. In cross-examination he has stated that there is internal security of BCCL in all the collieries after the posting of Homeguards and CISF and that the said internal arrangement of Security of BCCL is still continuing. He has stated that ultimately the payment to the Homeguard followers were made by reimbursement by BCCL. He has stated that Shri R. N. Singh, DIG/Chief Security Officer came in BCCL sometime in 1973. The evidence of the witnesses discussed above will show that homeguard followers had been appointed after homeguard personnel were deputed in BCCL for security purposes. Ext. M-6 dated 14-6-83 is a letter from Shri D. P. S. Chouhan, DIG/Chief of Security to the Additional Chief Personnel Manager establishment Karmik Bhawan regarding regularisation of 133 followers of security department. It is stated in this letter that DIG/COS exercises the powers of appointment for casual workmen just like any other head of the department/General Manager. According to him the followers of the security department are casual workers working on daily rated wages. The appointment of those 133 followers was made by the Commandant after following the procedure as per CISF rules. Ext. M-10 is a note showing that the issue of followers was discussed amongst the Director of Finance director of Personnel and DIG (COS). It appears from this exhibit that induction of candidate from outside throughout the coalfield in any unskilled category excluding NCWA-II cases is stopped since 1-7-81 and hence there should be no induction unless there is a specific sanction of the competent authority and the post is filled by recruitment by the personnel department. It is also revealed from this exhibit that several followers were inducted by the DIG/COS in the security department on a daily wage of Rs. 12 which has not been covered by any sanction of BCCL management or by following a regular procedure and recruitment as laid down by the company. Those persons had been inducted from time to time on the basis of need by the DIG/COS by exercising his own power as per past practice. It appears that the DIG/COS assured that no fresh induction will take place in the watch and ward or as followers now onwards under his own power. It is clear, therefore, that the DIG/COS of the security department of BCCL had appointed the homeguard followers on a daily wage of Rs. 12. Ext. W-3 dated 1-2-83 is a letter from Shri D.P.S. Chouhan, DIG/COS to Shri I. B. Pandey, Dy. C.P.M. (Man power division), Karmik Bhawan. It will appear that a list of 74 followers of security department who had completed more than 240 days services in BCCL as on 31-12-82 was sent to Shri I. B. Pandey along with the said letter recommending that those followers be appointed as general mazdoor in Cat. I as agreed upon by the Director (P) in a meeting between Shri Chouhan and the Addl. Ext. W-2 dated 9-2-83 is in reply to the letter Ext. W-3 to Shri D. P. S. Chouhan regarding appointment of followers as Cat. I Mazdoors. It is stated in Ext. W-2 that the list of 74 followers enclosed in the letter of Shri Chouhan was verified by the Personnel department from the wagesheets

and it was found that only 61 of them had completed 240 days and above attendance who can be considered for regularisation as Cat. I Mazdoor. It is unfortunate that neither the workmen who have exhibited Ext. W-2 and W-3 nor the management have filed the two lists of the followers which were enclosed along with Ext. W-2 and W-3 and hence it is not possible definitely to conclude that the concerned workmen had completed attendance of 240 days in a year.

Ext. W-1 is a list of security followers under the security department Jealgora of BCCL. This list itself will show that the names mentioned in it were security followers under the security department of BCCL. The list includes the names of the Security followers of security department of BCCL as on 10-8-83. Ext. M-8 is the salary bills of the security followers for the period 21-11-82 to 20-12-83 in respect of BCL security department containing the names of some of the concerned workmen. All these exhibit show that the followers said to be the home guard followers were actually working under the security department of BCCL and were given to be homeguard for doing the ancillary work and that their bills for payment was prepared by the DIG/Chief of Security belonging to BCCL and that the payment also was made by BCCL. Ext. M-16 is the pay order which shows that the payment of Security followers Class IV staff was made by BCCL. It is clear therefore that the concerned persons were appointed by security department of BCCL and that they were also paid by BCCL. There is no evidence to show that the concerned persons were appointed by the Homeguard or that they were the homeguard personnel. It appears that when the Homeguards were deputed in BCCL the management of BCCL made arrangement for the homeguard followers by appointing them on daily wages. It cannot therefore be said that the homeguard followers were the home guard personnel or that they were the employees of Homeguard. Had it been so the concerned persons could not have been allowed to continue to work in BCCL as Home guard followers even when the Homeguards left BCCL after the posting of CISF personnel.

It has been submitted on behalf of the management that the concerned persons who were working as Homeguard followers were not persons employed in a mine and as such the Central Government was not the appropriate Government to refer the present dispute for adjudication to this Tribunal. Admittedly the concerned persons were employed to work as ancillary worker to the home guard to work as barber, cooks etc. The question therefore is whether the concerned persons doing the said job were not persons employed in a mine. 'Mine' has been defined in Section 2(1b) of the I. D. Act, 1947 and it means a mine as defined in clause (j) of sub-section (i) of Section 2 of the Mines Act, 1952. Section 2(1) (j) of the Mine Act defines mine to mean any excavation where any operation for the purpose of searching for or obtaining minerals has been or being carried on and it further includes other operations enumerated in its sub-clause (1) to (x). None of these clauses of Section 2(i)(j) includes the work of Homeguard-cum-followers so as to mean a mine under the Mines Act. The department of the Homeguards who were employed for the purpose of security itself will not be covered under the definition of Mine and naturally therefore the work of Homeguard followers also cannot be included in the definition of mine. The appropriate government has been defined under Section 2(a) of the I. D. Act. The definition of appropriate Government is exhaustive in Section 2(a) of the I. D. Act. In relation to an industrial dispute concerning a mine the appropriate Government would be the Central Government. I have held above that the dispute concerning the concerned persons is not a dispute concerning a mine and as such the Central Government which has referred the present dispute for adjudication to this Tribunal is not the appropriate Government in relation to the Industrial dispute in respect of the concerned persons who were working as Homeguard followers.

The next question is regarding the fact whether the concerned persons can be absorbed on the rolls of the management. In view of the finding above that the Industrial dispute in respect to the concerned person is not a dispute concerning any mine, the reference made by the Central Government is

bad in as much as the Central Government is not the appropriate Government to refer the said dispute to the Central Government Industrial Tribunal. Even if the concerned persons succeed on the point that they were the workmen of BCCL, they cannot get relief from this Tribunal for absorbing them on the rolls of the management.

It appears from the evidence vide Ext. M-12/3 dated 11-1-83 that 15 followers of the security department were placed in Cat. I as General Mazdoor Vigilance in the scale of pay of Rs. 15 per day. There is no evidence that these appointments were cancelled by the management. It appears therefore that those 15 followers of the security department were placed in Cat. I as general Mazdoor on probation and it appears that they were regularised in Cat. I from the security followers. It has been submitted on behalf of the workmen that some Homeguard followers were absorbed in the employment of BCCL but the concerned persons were not absorbed. The case of the management is that they were not in any obligation to regularise or absorb the Homeguard followers in BCCL and that some of the security followers were absorbed as BCCL was in need of their services. According to the management they were appointed not as a matter of right but it was because the management required the services of some of them and therefore they were absorbed.

It will further appear from the evidence of WW-2 that there were 73 Homeguard followers left in BCCL after the Homeguard followers left in the year 1981 and that the number of the Homeguards followers swelled to 130. He has further stated that out of 73 homeguard all of them except 26 were taken in employment of BCCL or CISF. He has further stated that 15 persons had been taken in the employment of BCCL and the rest were taken by the CISF. Those 15 appointed by BCCL are named in Ext. M-12/3 which I have discussed above. In cross-examination WW-2 has stated that he was doing the work of barber. He has also stated about the specific work being done by some other concerned persons when they were engaged as Homeguard followers. He has stated that he had been called for an interview by the CISF but he was not appointed in that interview. He has stated that Kashinath Sharma, Janki Mahato, Gopal Pandit, Shankar Pandit, Kamal Roy, Kashikant Mishra and Ashok Kumar Singh were appointed by the CISF. He has denied that the concerned person Gaffaran Ansari was also selected by the CISF for appointment but he did not join. He has also denied that Radheyshyam Pd. and Banshi Ram had not appeared in the interview before the CISF. The management has filed Ext. M-4 which is the note of interview bearing the signature of the Asstt. Commandant. MW-1 has stated that the concerned persons had been called for interview by the CISF. It appears clear therefore from the evidence WW-2, MW-1 and the contents of Ext. M-4 that Kashinath Sharma and 6 other concerned persons were selected in the interview by the CISF and they were given employment in CISF vide Ext. M-3. The evidence further shows that Bindunath Jha and Md. Gaffar Ansari also were selected in the interview by the CISF but they were not appointed as according to the management they did not appear to join the services. Ext. M-4 further shows that the remaining 11 concerned persons were not selected by the CISF and that the concerned persons Radheyshyam Pd. did not appear in the interview. It appears therefore that Shri Kashinath Sharma and 6 others were appointed as a result of their selection in the interview and that Md. Gaffar Ansari who had been selected could not be appointed as he did not turn up to join the job after his selection. It is also clear that the remaining 11 concerned persons had also appeared in the interview but were not found fit for selection and one of the concerned persons Radheyshyam Pd. did not appear in the interview and as such he could not be selected. It will thus appear that 7 of the concerned persons had been appointed by the CISF after selection and interview and the other concerned persons were not selected and given employment for the reasons stated above.

It appears from the evidence that the concerned persons were working as Homeguards followers. The case of the workmen is that they had completed more than 240 days

in a calendar year and the said fact has not been denied by the management nor any document or evidence has been produced to show that the concerned persons had not got attendance of 240 days more in a calendar year. The evidence of the WW's show that the concerned persons had worked in the security department of BCCL for more than 240 days in a year at the time the homeguards were deputed in BCCL and that those concerned persons had also worked as security followers even after the homeguards left BCCL. There is absolutely no doubt that the concerned persons had worked as security followers in the security department of the BCCL and that they were deputed to work as ancillary workers of the Homeguards followers so long as homeguards followers were posted in BCCL for the security purpose and that the concerned persons and some other security followers continued to work as security followers in the security department of BCCL even after the homeguard left BCCL. It was for this reason that some security followers were given employment by the management and that the arrangement was made to absorb the concerned persons also in the CISF by holding an interview but unfortunately only 7 of the concerned persons could be selected and the others concerned persons could not be selected for some reason or the other. It appears therefore that the management of BCCL was feeling an obligation to employ the persons who had worked as Homeguard followers or security followers but as the management of BCCL did not require the services of barbers, cooks, water fetcher etc., the management of BCCL was not in a position to absorb them in the services of BCCL. However as the concerned persons had worked in the BCCL continuously for a few years the management of BCCL had the moral responsibility of giving them employment and their cases should have been considered in Cat. I as General Mazdoor in the vacancies falling due. It is expected that the management of BCCL would try to give them employment in the vacancies of Cat. I mazdoor as the concerned persons had worked in BCCL for several years.

But in view of the fact that the Central Government is not the appropriate Government to refer the industrial dispute before this Tribunal, the reference itself is bad and as such this Tribunal feels its inability to pass any Award for absorbing the concerned persons on the rolls of the management of BCCL.

An Award is passed accordingly.

Dated : 30-9-1987.

I. N. SINHA, Presiding Officer
[No. L-20012/335/82-D.III (A)]

का.आ. 3153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अगरा पथर कोलियरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधतांक के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 13 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3153.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Angarpathera Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 13th October, 1987.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

Reference No. 6/84

PRESENT

Shri G. P. Roy, Presiding Officer.

PARTIES :

Employers in relation to the management of Angarpathera Colliery of M/s. Bharat Coking Coal Ltd.

AND
Their workman.

APPEARANCES :

For the Employers.—Sri P. Jha, Dy. Personnel Manager.

For the Workman.—None.

Dated, the 9th October, 1987

AWARD

The Govt. of India in the Ministry of Labour, in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 1947, referred the dispute to the Central Govt. Industrial Tribunal-cum-Labour Court No. 3, Dhanbad for adjudication under Order No. L-20012[256] 83-D, III(A) dated the 9th January, 1983. Subsequently by Order No. A-11020[61]82-CLT dated the 28th March, 1985 of the Ministry of Labour the said Tribunal namely Central Govt. Industrial Tribunal-cum-Labour Court No. 3, Dhanbad was shifted to Asansol and it started functioning as the Central Govt. Industrial Tribunal-cum-Labour Court, Asansol. Consequently all the pending cases before the Central Govt. Industrial Tribunal-cum-Labour Court No. 3, Dhanbad became the subject matter of the Central Govt. Industrial Tribunal-cum-Labour Court, Asansol including the present case. Accordingly the final award in connection with this case is passed to-day by this Tribunal at Asansol.

SCHEDULE

"Whether the action of the management of Angarpathera Colliery of M/s. Bharat Coking Coal Limited in removing the name of Sri Arjun Bhuiya, Trammer from the employment roll is justified? If not, to what relief is the workman entitled?"

2. During the pendency of this Reference case, on 10-9-87 the management as well as the workman submitted a joint petition of compromise regarding the settlement of the dispute amicably by them out of Court. In the said petition it was prayed by both the parties for acceptance of the compromise in full and final settlement of the dispute between the parties before the Tribunal. It was also stated therein that there was no subsisting dispute between the parties after the said amicable settlement. The Learned Advocate of both the parties have prayed for making an award in this case as per the terms and conditions of the joint petition of compromise.

3. The terms of compromise appear to be legal, reasonable, fair and beneficial to the workman. Accordingly the terms of compromise are accepted.

4. The award is made accordingly in terms of the settlement and the terms of the settlement do form part of the award.

5. Requisite copies of the award along with terms of the settlement be sent to the Ministry.

Dt. 9-10-87.

G. P. ROY, Presiding Officer
[No. L-20012[256]83-D, III(A)]

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NO. 3 AT ASANSOL

In the matter Ref. No. 6 of 84

PARTIES :

Employers in relation to the management of Angarpathera Colliery of BCCL.

AND

Their Workmen.

Joint compromise petition of employers and workmen. The above mentioned employers and workmen jointly beg to submit as follows :—

- (1) That the employers and the workman have jointly negotiated and discussed the above matter and arrived at an amicable and overall settlement in respect of the dispute covered by the reference subject to the following terms and conditions :—
 - (i) It is agreed that the concerned workman Sri Arjun Bhuiya will be provided employment as trammer piece rate with immediate effect subject to his being found medically fit.
 - (ii) It is agreed that the workman concerned Sri Arjun Bhuiya shah not be entitled to any back wages or other benefits for the forced idle period in connection with the dispute covered by the reference.
 - (iii) It is agreed that workman concerned shall enjoy the benefit of continuity of service for the purpose of computation of his gratuity at the time of termination/superannuation of his service.
 - (iv) It is agreed that this is an overall settlement in full and final settlement of all the claims of the workman concerned arising out of the above reference.
- (2). That the employers and workman consider above settlement to be fair, just and reasonable to both the parties.

The employers and workman therefore jointly pray that the Hon'ble Tribunal may be pleased to give an award in terms of this joint compromise petition and dispute of the reference accordingly.

(Arjun Bhuiya),
Trammer,
Angarpathera Colliery,
workman concerned.
D. Mukherjee,
Secretary,
Bihar Colliery Kamgar Union.

Dt. 3-6-87.

Dy. Chief Mining Engineer Angarpathera Colliery
For and on behalf of the Employers
RAL S. MURTHY, Advocate for Employers

का.आ. 3154-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हुरलाशीह कोलियरी मैसर्स भारत कोर्किंग कोल लिमिटेड के प्रबंतन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 2, धनबाद के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 14 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3154.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hurladih Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 14th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

Reference No. 30 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Hurladih Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

"On behalf of the workmen.—Shri S. P. Singh, General Secretary, Khan Mazdoor Congress.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dhanbad, the 7th October, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(150)85-D. III(A), dated, the 13th January, 1986.

SCHEDULE

"Whether the action of the management of Hurladih Colliery in Kustore Area No. VIII of M/s. Bharat Coking Coal Limited, P.O. Kustore, Dhanbad in superannuating from service Shri Jagoo Bhuiya, Surface Trammer from 10-5-1985 is justified? If not, to what relief the workman concerned is entitled?"

The case of the workmen is that the concerned workman Shri Jagoo Bhuiya was re-employed in Hurladih colliery as Surface trammer on 12-4-75. At the time of his re-appointment the management assessed his age as 43 years and fixed the birth date as 1932. The management issued an identity card and its birth date column 1932 was mentioned. All on a sudden on 1-4-85 the concerned workman was called for in the colliery office with his identity card. When the concerned workman went to the colliery with his identity card, the dealing clerk, Satya Babu, took the identity card from the concerned workman and penned through the previous mentioned year of his birth 1932 and put another date of his birth as 10-5-1925 and after making that correction the identity card was handed over to the concerned workman. The management handed over the superannuation notice to the concerned workman by which he was to retire on 10-5-85. The concerned workman verbally objected to the action of the office regarding the correction in the year of his birth. Subsequently on 6-4-85 the concerned workman filed his objection in writing to the colliery Agent with a copy to the General Manager, Kustore Area through Registered A/D. The management did not reply to the representation. Thereafter the union raised an industrial dispute on behalf of the concerned workman before the ALC(C), Dhanbad on 24-9-85. The ALC(C), Dhanbad wanted to conciliate the matter but it ended in failure and thereafter the present reference was made. The action of the management in retiring the concerned workman from 10-5-85 is illegal, arbitrary and motivated as he was prematurely retired. It has been prayed that it may be held that the retirement of the concerned workman on superannuation from 10-5-85 was illegal and premature.

The case of the management is that the date of birth of the concerned workman recorded in the statutory registers, namely, in declaration Form of C.M.P.F. and Form B Register maintained under the Mines Act is 10-5-1925 and accordingly the concerned workman was retired from 10-5-85 when he completed the age of 60 years. As the age of superannuation of a workman is 60 years, the superannuation of the concerned workman on completing the age of 60 years on 10-5-85 was legal, bonafide and in accordance with the provision of payment of Gratuity Act. The concerned workman declared his years of birth as 1932 at the time of writing the identity card and the same was entered against the column "Date of birth" in the identity card. The concerned workman had earlier declared his date of birth as 10-5-1925 at the time of writing Form B Register and at the time of filling up of the declaration Form of C.M.P.F. and as such the declaration of the year of birth as 1932 given by the concerned workman was not accepted and the identity card was corrected accordingly. The claim of the concerned workman is based on his assertion that the subsequent declaration should have been accepted in preference to his previous declaration. According to the management the concerned workman gave false declaration of the year of his birth as 1932. Subsequently in order to obtain advantage of extension of his service beyond his 60 years of age. The concerned workman failed to produce any authenticated document in support of his declaration of the year of his birth as 1932 and the said declaration was in consistent with his previous declaration made in Form B Register and the declaration made in the Form of C.M.P.F. On the above facts it is prayed that the concerned workman is not entitled to any relief.

The only point for decision in this reference is whether the superannuation of the concerned workman from service with effect from 10-5-85 is justified.

The management examined one witness in support of the case of the management as the workmen did not examine any witness but produced document which have been marked Ext. W-1 to W-8 on admission.

Admittedly, the concerned workman was superannuated from service with effect from 10-5-85. The case of the workmen is that the date of birth of the concerned workman was in the year 1932 which was assessed by the management and an entry to that effect was made in his identity card Ext. W-5 at the time when the concerned workman was re-employed in 1975. The case of the management on the other hand is that the date of birth of the concerned workman was recorded as 10-5-1925 in Form B Register and in the declaration Form of C.M.P.F. and as such the earlier recording of the date of birth of the concerned workman in the statutory register was correct and on its basis the concerned workman was superannuated from 10-5-85. MW-1 Shri Suban Goria is the Personnel Officer in Hurladih colliery of BCCL. He has stated that he had checked the Form B Register and the record of the C.M.P.F. concerning the concerned workman and found that his date of birth was recorded as 10-5-1925. The said two registers have not been produced in this case by the management and the management's case is therefore based on the statement of MW-1 only. The evidence of MW-1 cannot be the basis regarding the date of birth of the concerned workman in view of the admitted fact that there was an entry of date of birth of the concerned workman in the Form B Register and declaration Form of C.M.P.F. MW-1 has stated that the said Form B Register has been taken away by the Mines department and is not available in the office of BCCL and the record of the C.M.P.F. is in the office of the C.M.P.F. No attempt was made on behalf of the management either to call for Form B Register from the Mines department or the record of the C.M.P.F. to show us to what was the date of birth or age of the concerned workman mentioned in those documents. In my opinion in the absence of those documents it is not possible to rely on the evidence of MW-1.

The only document on the record regarding the year of birth/date of birth of the concerned workman is Ext. W-5 which is the admitted document and is the identity card issued by the management to the concerned workman. It will appear from the said identity card that at first in the column "date of birth" in the identity card of the con-

cerned workman the year 1932 was written which was penned through and 10-5-1925 was written. It is admitted by the workmen in para-3 of the W.S. that at the time of re-appointment the management assessed the age of the concerned workman as 43 years and the birth date was fixed as 1932. In para-5 of the W.S. of the management it is stated that the concerned workman declared his year of birth as 1932 at the time of writing the identity card and the same was entered in the column against the date of birth. The said declaration of the year of birth as 1932 was not accepted by the management and the identity card was corrected as the concerned workman had earlier declared the date of birth as 10-5-25 at the time of writing Form B Register and at the time of filling up the declaration Form of C.M.P.F. It is thus clear that earlier 1932 was entered in the birth column of the identity card and that the management corrected the same by inserting 10-5-25 in it. Thus we find that there is the entry of the year of the concerned workman in the identity card as 1932 and also as 10-5-1925 although admittedly the year of birth as 1932 has been penned through by the management. We have therefore before us two entries regarding the year of birth of the concerned workman in the identity card Ext. W-5. There is no supporting evidence produced either by the management or by the workmen in support of the year/date of birth of the concerned workman as said by the parties. As there is an entry of different years of birth of the concerned workman in the same document, the date of birth of the concerned workman could have been determined by the medical Board of the management. Unfortunately, as admitted by the parties the concerned workman died on 30-11-85. The death certificate Ext. W-8 has been exhibited on admission by the parties which shows that the concerned workman died on 30-11-85 and that the said date of death was registered before the authorities on 5-12-85. In view of the fact that the concerned workman admittedly died on 30-11-85 it is now not possible to refer the concerned workman to any medical board for the assessment of his age.

The workmen have not filed any document in support of the fact that the year of birth of the concerned workman was 1932 and as such it is not possible to come to conclusion that the concerned workman was born in the year 1932. Although it is not safe to rely on the oral evidence of the MW-1 regarding the fact that the date of birth of the concerned workman was recorded as 10-5-1925 in Form B Register and declaration Form of the C.M.P.F. in the absence of those documents, we have atleast some oral evidence of MW-1. Although the said evidence cannot be accepted, it cannot be said that the management has not produced any evidence in support of its case. Taking all the facts into consideration it is now not possible to get the age of the concerned workman determined by the Medical Board. As such I hold that the concerned workman was superannuated on the basis of the date of birth subsequently entered in the identity card.

In the result, I hold that the action of the management of Hurladih colliery of M/s. B.C.C.L. in superannuating the concerned workman from service from 10-5-85 based on the recorded entry of date of birth in the identity card Ext. W-5 is justified and subsequently the concerned workman is entitled to no relief.

This is my Award.

Dt. 7-10-87.

I. N. SINHA, Presiding Officer
[No. L-20012/150/85-D. III(A)]

का.आ. 3155—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार बुरगढ़ कोलयरी मीसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधसंस्त्र के सम्बद्ध मियोजकों और उनके कर्मकारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मंजूरा 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3155.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Burrangarh Colliery of M/s. Bharat Coking Coal Limited and the workmen, which was received by the Central Government on the 10th October, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 65 OF 1986

In the matter of industrial dispute under Section 10(1)
(d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Burrangarh Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. P. Singh, General Secretary, Khan Mazdoor Congress.

On behalf of the employers : Shri B. Joshi, Advocate.

Industry : Coal.

STATE : Bihar.

Dated, Dhanbad, the 23rd September 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(183)85 D.III (A), dated, the 23rd January, 1986.

SCHEDULE

“Whether the action of the management of Burrangarh Colliery of M/s. Bharat Coking Coal Ltd., is justified in not regularising Shri Ashok Kumar, General Mazdoor, (Identity Card No. 146002) as Attendance Clerk from 1979 and in not paying him difference of wages as per general rules? If not, to what relief the workman is entitled?”

The case of the workmen is that the concerned workman Shri Ashok Kumar is a permanent worker of Burrangarh Colliery of M/s. B.C.C.L. He was appointed as general mazdoor in Cat. I. In 1978 the management transferred him on the job of attendance clerk. Since then he is regularly and continuously working as Attendance Clerk till today. The job of general Mazdoor is of Category I and time rated whereas Attendance Clerk has been placed in Clerical Grade-II of the Wage Board Recommendation. The concerned workman represented before the management for his regularisation on the job of Attendance Clerk and also requested for the difference of wages of Category-I and Clerical Grade-II through his representation dated 23-8-84 but the management did not pay any heed. Thereafter his union raised an industrial dispute before the ALC(C), Dhanbad. The management fully participated in the conciliation proceeding and submitted their written comment in which they admitted that the concerned workman is working as Attendance Clerk since 1978.

The management also agreed with the matter of regularisation under serious consideration. However, the conciliation proceeding failed and thereafter the present reference was made for adjudication. It is the policy decision of BCCL that the workers working on any job for 6 months or above are to be regularised on the same job and that the management has to pay the difference of wages in case a workman is working in the higher category. The action of the management in not regularising the concerned workman on the job of Attendance Clerk and to paying him the difference of wages is unjustified. The workmen therefore prayed that the concerned workman be regularised as Attendance Clerk from 1979 with full back wages.

The case of the management is that the concerned workman was appointed as General Mazdoor in Category-I of the time rated scale. There are large number of workmen in Category I and in the higher categories II to Category VI. There are workmen in Clerical Grade III who are more qualified experienced and deserving to be promoted to clerical Grade II and to be posted as Attendance Clerk, which is a clerical Grade II post. The concerned workman does not possess the minimum qualification of matriculation prescribed for employment of workmen as clerk. The concerned workman is not eligible to be appointed as a Clerk in Grade III and his fixation as Clerical Grade II and posting him as Attendance Clerk will be violation of the cadre scheme bringing discontentment to the clerks of Grade III as well as all other time rated workers who are superior and senior to the concerned workman. The Manager of the colliery being pressed by the union and to show favour to the concerned workman promoted him to work as Attendance Clerk to help him to get regularisation as Attendance Clerk in Clerical Grade II. This arrangement was unauthorised as the Manager had not obtained the approval from the General Manager who is the competent authority. When the union demanded for regularisation of the concerned workman as Attendance Clerk, the management detected the private and unauthorised arrangement. The concerned workman failed to submit the Matriculation certificate required for appointment to the Clerical post. The demand of the union for regularisation of the concerned workman as Attendance Clerk is mala fide and contrary to the cadre scheme and as such the demand could not be accepted.

The only point for decision is whether the concerned workman can be regularised as Attendance Clerk from 1979 and whether he is entitled to the difference of wages for the period he has worked as Attendance Clerk.

None of the parties adduced any oral evidence. The workmen, however, produced documents out of which Ext. W-1 to W-4 were marked on consent of the parties. The management did not file any document.

It is almost an admitted case of the parties that the concerned workman is working as Attendance Clerk since 1978. In para 10 of the W.S. filed on behalf of the management it is no doubt stated that the concerned workman was not regularly and continuously working as Attendance Clerk but it will appear from Ext. W-2 dt. 6/7-2-85 that the said denial made on behalf of the management in the W.S. is not correct. Ext. W-2 is the comment filed by the Superintendent of Mines, Burragarh Colliery before the ALC(C), Dhanbad in the industrial dispute raised by the union before the ALC(C) Dhanbad. The management in its comment stated in Ext. W-2 "It is a fact that Shri Ashok Kumar, General Mazdoor has been working as Attendance Clerk since 1978 and his case for regularisation has already been forwarded to the General Manager, Kustore Area

Shri Ashok Kumar was asked to produce the certificate of matriculation as for clerical job minimum qualification required is matriculation as per policy of the company. But he failed to submit the same. This is the reason for not regularising him as Attendance Clerk. As soon as Shri Kumar produces matriculation certificate he will be regularised as attendance Clerk."

It will be clear from the above that the management had accepted that the concerned workman was working as Attendance clerk since 1978 and his case was actually forwarded to the General Manager, Kustore Area for regularisation. It appears that the only hitch which stood for regularisation

of the concerned workman as Attendance Clerk was the non-production of the Matriculation Certificate by the concerned workman as Matriculation was the minimum qualification for the appointment of a clerk according to the company's policy. I hold therefore that the concerned workman was working as an attendance Clerk since 1978. There is no case that the concerned workman has been stopped from working as an Attendance Clerk or that he has been reverted back to his original post of general mazdoor in Cat. I.

The only question is whether the concerned workman can be regularised as Attendance Clerk in Clerical Grade II. It has been stated on behalf of the management that the matriculation is the minimum qualification for the appointment of a clerk and as he did not produce the matriculation certificate he was not regularised. It is further stated in Ext. W-2 by the management that as soon as the concerned workman produced the matriculation certificate he will be regularised as an Attendance Clerk. It appears that the management was quite aware of the fact that since the concerned workman was working as an Attendance Clerk since 1978 it was a fit case for regularised but according to the Company's policy and the cadre scheme Matriculation was the minimum qualification for the appointment of a clerk in the BCCL and as the matriculation certificate was not produced by the concerned workman, he could not be regularised in the post of clerk. It is nowhere stated in the W.S. of the workmen that the concerned workman was a matriculate. Ext. W-4 is the cadre scheme for the Ministerial staff which shows that Matriculation or equivalent examination from any recognised board of examination was the minimum qualification required for the post of Clerk Grade III. It appears that the concerned workman had not passed matriculation or equivalent examination and as such he did not produce any such certificate before the management. In the above view of the matter I feel the difficulty which the management was finding in regularising the concerned workman as an Attendance Clerk in the absence of passing the matriculation examination or the non-production of the Matriculation Certificate. In the ordinary course the concerned workman would have been regularised as Attendance Clerk as he has worked since 1978 but as he has not any matriculation certificate showing that he has passed the matriculation examination for being appointed as a clerk and as such I think the management was justified in not regularising him as attendance Clerk in Clerical Grade II. The concerned workman admittedly had not worked even for a day as a Clerk in Clerical Grade-III. The post of Attendance Clerk in Clerical Grade II is higher post carrying higher scale of pay than Clerical Grade III and naturally the workmen working in the higher category or working as Clerical Grade III would not like any person to be imposed in Clerical Grade II who has not even the minimum qualification for being appointed as a Clerk in Clerical Grade III.

Admittedly, the concerned workman had been working as an Attendance Clerk since 1978 which carries the pay scale of Clerical Grade II. The management has so long taken the work of Clerical Grade II from the concerned workman and as such he is entitled to receive the difference of wages between Cat. I and Clerical Grade II which is the admitted policy of the management. I hold therefore that the management must pay the difference of wages of Cat. I and Clerical Grade II to the concerned workman till the period he has worked as Attendance Clerk.

In the result, I hold that the action of the management of Burragarh Colliery of M/s. B.C.C.L. is justified in not regularising the concerned workman Shri Ashok Kumar General Mazdoor as Attendance Clerk from 1979 but I further hold that the action of the management is not justified in not paying the concerned workman the difference of wages of Cat. I and Clerical Grade II as per general rules. The management is directed to pay the difference of wages of Cat. I and Clerical Grade II to the concerned workman within 2 months from the date of publication of the Award.

Dated : 23-9-1987.

J. N. SINHA, Presiding Officer
[No. L-20012/183/85-D.III(A)]
P. V. SREEDHARAN, Desk Officer

नई दिल्ली, 23 अक्टूबर, 1987

का.आ. 3156—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स राजकुमार स्टोन क्वारी, वाडी (जिला सूरत) के प्रबंधसंस्कृत से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अहसदावाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 23rd October, 1987

S.O. 3156.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Raj Kumar Stone Quarry, Vadi (Distt. Surat) and their workman, which was received by the Central Government on the 12th October, 1987.

BEFORE SHRI N. A. CHAUHAN, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AHMEDABAD

Reference (ITC) No. 7 of 1987

ADJUDICATION

BETWEEN

Rajkumar Stone Quarry, Vadi, Distt. Surat...First Party.

AND

The General Secretary, Maha Gujarat Khan Udyog Kamdar Sangh, Congress Bhavan, Soni Falia, Dist. Surat (Ahmedabad) ...Second Party.

STATE : Gujarat (Ahmedabad) INDUSTRY : Stone Distt.

In the matter of termination of services of Smt. Sustanben Mayaji Bhai w.e.f. 1-11-1983.

AWARD

This reference under section 10(2A) (1) (d) of the I.D. Act, 1947, has been referred on behalf of the Central Government by the Under Secretary, Ministry of Labour, New Delhi vide its Order bearing No. L-29012/65/84-D.III(B) dated 14-1-87 for determination of the industrial disputes mentioned therein between the parties. The dispute referred to is whether the action of the management of Rajkumar Stone Quarry, Vadi, Distt. Surat terminating the services of Smt. Sustanben Mayaji Bhai w.e.f. 1-11-1983 is justified? If not to what relief the workman is entitled and with what effect?

2. The order of reference shows that the order referring the dispute to this Tribunal was communicated by the Under Secretary, Ministry of Labour, Government of India to the parties and the second party namely the General Secretary, Maha Gujarat Khan Udyog Kamdar Sangh was informed to file the statement of claim with relevant documents within 15 days from the receipt of order of reference and also to forward a copy thereof to the opposite party. Inspite of that, the second party at whose instance the reference was made by the Government did not bother to file any statement of claim, but even then this Tribunal called upon the second party to file the statement of claim on or before 13th March, 1987 and to inform the first party about the same. The second party inspite of service of the aforesaid notice did not remain present. The first had remained present and given application at Ex. 2, that unless a statement of claim is given by the second party nothing can be done.

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by them. In the interest of justice the matter was adjourned and the second party was served with another notice dt. 16th April, 1987 by Regd. post A.D. to appear before this tribunal on 24th April, 1987. Inspite of the fact that the Regd. notice Ex. 4 was served vide notice Ex. 5, the second party did not bother to file the statement of claim. Still, however, in order to give one more chance the matter was adjourned to 23rd June, 12th August and 10th September, 1987, but even then the second party did not appear and file any statement of claim. The first party also did not appear before this Tribunal. Thus, it appears that the second party as whose instance this reference is made is not interested to prosecute the demand made and, therefore, the demand made in this reference requires to be disposed of as not passed. Accordingly, I pass the following order :

ORDER

This reference is rejected for want of prosecution by the second party at whose instance this reference was made. Considering the facts, there shall be no order as to the costs of this reference.

Ahmedabad, 21st September, 1987.

N. A. CHAUHAN, Presiding Officer
[No. I-29012/65/84-D.III(B)]

V. K. SHARMA, Desk Officer

नई दिल्ली, 26 अक्टूबर, 1987

का.आ. 3157—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आकाशवाणी के प्रबंधसंस्कृत से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 अक्टूबर, 1987 को प्राप्त हुआ था।

New Delhi, the 26th October, 1987

S.O. 3157.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the annexure, in the industrial dispute between the employers in relation to the management of All India Radio and their workmen, which was received by the Central Government on the 15th October, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 79/86

In the matter of dispute between

Shri Dhara Singh, Plot No. 97, Yusuf Sarai, Harijan Basti, New Delhi-16.

Versus

Executive Engineer, Civil Construction Wing, Division-III, All India Radio, C-3, 1st Floor, Pushpa Bhawan, M.B. Road, New Delhi.

APPEARANCES :

Shri H. S. Vats—for the workman.

Shri S. Mandal—for the Management.

AWARD

The Central Government in the Ministry of Labour v/s its notification No. L-42012/73/85-D.II(B) dated 16-12-86

has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action of the Executive Engineer Civil Construction Wing Division-III C-3, 1st Floor, Pushpa Bhavan, M.B. Road, New Delhi in terminating the services of Shri Dhara Singh Peon/Beldar w.e.f. 19-5-85 is justified? If not, to what relief the workman entitled to?"

2. It is stated by the workman that he served the Management from 7-5-84 to 9-5-85 whereafter his services were terminated without any notice, charge sheet or enquiry and without payment of any notice pay or retrenchment compensation and thus there has been violation of Sections 25-F of the I.D. Act (hereinafter referred to as the Act). Hence the order of his termination is illegal and void and he has sought his reinstatement with continuity of service and full back wages.

3. The Management in its written statement disputed the period of employment of the workman and submitted that the workman was employed only as a casual worker and, therefore, he could not be given any retrenchment compensation.

4. The contention of the Management that the workman was employed only as a casual worker and he is not entitled to any retrenchment compensation and that the protection of section 25-F of the Act is not applicable to him is devoid of any force. This controversy has been set at rest by the Authority Workmen of MCD and another Vs. Management of MCD and another 1987 (1) LLJ 85 Delhi High Court wherein it was held as under :

"Industrial Disputes Act, 1947, Section 2(s) and 25-F Daily rated workman—Retrenchment of daily rated worker procedure to be followed—Condition precedent laid down in Section 25(F) would apply even to daily rated worker if he had not in the requisite service during the relevant period. Lump-sum compensation awarded towards back wages since the worker was daily rated worker and on account of difficulty in ascertaining the number of days such worker might have worked.

Industrial Dispute relating to the non-employment of a workman was referred for adjudication to the Additional Industrial Tribunal, Delhi. The said workman was employed on a daily rated basis as a pipe fitter, Slum Department of the Municipal Corporation Delhi. Based on the contention that the Scheme in which the workman was employed was transferred to Delhi Development Authority and, therefore, the workman cannot claim any relief against Delhi Municipal Corporation, the Labour Court dismissed the claims of the workman. Hence the writ petition by the workman.

HELD: When the petitioner was not assigned any further work it amounts to termination and on that date the department was admittedly with the Municipal Corporation, Delhi. It is well settled that Section 25(F) of the I.D. Act is plainly intended to give relief to retrenched workman. The qualification for relief under section 25(F) is that the person should be a workman employed in an Industry and has been in continuous service for not less than one year under his employer. What is continuous service has been defined and explained in Section 25(B) of the I.D. Act. The workman who is not in continuous service for a period of one year shall be deemed to be continuous service if the workman during the period of 12 months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than 240 days. Daily rated workman is as good a worker provided he has put in the requisite number of days of service during the relevant period. Hence a daily rated worker has rendered continuous uninterrupted service for a period of one year or more within the meaning of

Section 25(F) of the I.D. Act the condition enumerated in that section has to be complied with. Non-compliance with this provision would render the termination invalid."

5. On facts there is hardly any dispute. Although the period of employment of the workman was disputed in the written statement, yet during the proceedings the Management itself admitted in its evidence that the workman had put in 283 days of service upto 10-5-85. Therefore, it stands proved that the workman had put in continuous service of one year in term of Section 25-B of the I.D. Act and the provisions of Section 25-F are fully applicable to him. It is not denied by the Management that no notice was served upon the workman nor any wages in lieu of notice nor any retrenchment compensation were paid to him. Therefore, there has been a clear violation of the mandatory provisions of section 25-F of the I.D. Act and the order of termination of his service is clearly illegal and void and the workman is entitled to reinstatement with continuity of service and full back wages. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

29th September, 1987.

G. S. KALRA, Presiding Officer
[No. L-42012/73/85-D.II(B)]

का. आ. 3158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, असिस्टेंट डाइरेक्टर कारपोरेट ट्रेनिंग-कम-सर्विस सेन्टर, लखनऊ के प्रबंधतात्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 अक्टूबर, 1987 को प्राप्त हुआ था।

S.O. 3158.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Asstt. Dir. Corporate Trg-cum-Service Centre, Lucknow and their workmen, which was received by the Central Government on the 9th Oct., 1987.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Reference : L-42011/17/85-D.II (B) dt. 22-1-87.
Industrial Dispute No. 16 of 1987
In the matter of dispute between:
Shri Nand Lal Maurya
Minister U.P. Carpet Weaving & Raining
Centre and Handicrafts Sangh,
Rai Bareilly.

AND

The Assistant Director,
Development Commissioner Office,
A/647 HTG Indira Nagar,
Lucknow.

AWARD

1. On receipt of this reference notice was ordered to be issued fixing 24-4-87 for filing statement of claim complete with relevant documents list of reliance and witnesses etc. on 24-4-87, no one appeared on behalf of the workman.

However, the management was represented by Sri Mohan Lal Rai Chaudhary, was ordered to be issued to the workman fixing 28-5-87, for filing Claim Statement. In Pursuance of the said order notice was actually issued by Office on 5-5-87. On 28-5-87 again no one appeared on behalf of the workman. Since my learned predecessor had retired the case was ordered to be put up for orders on 29-5-87. Again on 29-7-87, in the absence of any successor the case was ordered to be put up for orders, on 25-8-87. For the first time this case came up for hearing before me after taking over of charge by me on 25-8-87. None having appeared on behalf of the workman fresh notices were ordered to be issued to the workman fixing 28-9-87, for filing Claim Statement etc. Even today, despite notice none has appeared on behalf of the workman.

2. It, therefore, appears that the workman are not at all interested in prosecuting the case. Accordingly, a no Claim award is given in the case.

3. Award is made accordingly.

Let Six Copies of the award be sent to the Govt. for its Publication.

ARJAN DEV, Presiding Officer.
[No. L-42011/17/85-D.II(B)]

का.आ. 3159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम उड्डीसा क्षेत्र के प्रबंधताल से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3159.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Orissa Region and their workmen, which was received by the Central Government on the 13th October, 1987.

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Shri R. N. Panda, M.A., LL.B,
Presiding Officer, Industrial,
Tribunal Orissa, Bhubaneswar
Industrial Dispute case Nos. 9/77(C)&5/78(C)

Dated Bhubaneswar, the 29th September, 1987

BETWEEN

Management of the Food Corporation of India (Regional Manager), F.C.I., Bapujee Nagar, Bhubaneswar,First Party.

.....Second Party

AND

Their WorkmenSecond Party

APPEARANCES :

Shri B. B. Rath, Advocate—For the First Party.
Shri S. B. Nanda, Advocate—For the Second Party.

AWARD

i. I.D. case No. 9/77 is a reference made by the Central Government under section 10(1) of the Industrial Disputes Act, 1947 vide their Order No. L-42011(23)376-D.II(B) dated 26th December, 1977 for adjudication of the following dispute:—

“Whether the action of the management of the Food Corporation of India in refusing employment in the Food Storage Depot, Jagannathpur, to the workmen whose names are given in the Annexure below is justified - If not, to what relief are these workmen entitled?”

Gang No. 1

1. Sri D. Cheniya Reddy.	Sardar Supervisor.
2. Sri Dama Sethi.	Mandal
3. Sri Sr. Mutyalu Reddy.	H/Labour
4. Sri Sr. Jagannath Reddy	"
5. Sri R. Masanu Reddy.	"
6. Sri G. Punnya Reddy	"
7. Sri Mohan Naik	"
8. Sri Charan Das	"
9. Sri Raibari Behera	"
10. Sri Arakhit Behera	"
11. Sri Raghu Mahakud	"
12. Sri Kasinath Behera	"
13. Sri Hari Muduli	"
14. Sri Radeheshyam	"
15. Sri Netrananda Sahu	"

Gang No. 2

1. Sri G. Rajendra Reddy.	Sardar
2. Sri Sankar.	Mandal
3. Sri Nanda Patra	H/Labour
4. Sri Benia Naik	"
5. Sri Daya Sethi	"
6. Sri G. Tulsi Reddy	"
7. Sri Parama Sethi	"
8. Sri Daitari	"
9. Sri Sarbeswar	"
10. Sri Dasarathi	"
11. Sri Baidhar	"
12. Sri Dayanidhi	"
13. Sri Bhaskar	"
14. Sri Harihar Sahoo	"
15. Sri Parikhit.	"
16.	"

Gang No. 3

1. Sri Gourshyam Biswal Alias Niranjan Biswal	Sardar,
2. Sri Dhanu Behera	Mandal
3. Sri Dandapani Sethi	H/Labour
4. Sri Narayan Sethi	"
5. Sri Surendra Sethi (i)	"
6. Sri Mani Nayak	"
7. Sri Banchha Behera	"
8. Sri Juria Behera	"
9. Sri Padan Charan Sahoo	"
10. Sri Bholi Sahu	"
11. Sri Trinath Sethi	"
12. Sri Banchha Muduli	"
13. Sri Dhanu Behera	"
14. Sri Trinath Lenka	"

Gang No. 4		1	2	3	4
1. Sri Arakhit Sethi	Sardar	17. Sri Guna Ch. Das.	H/Labour	18-2-75	
2. Sri Damodar Das	Mandal	18. Sri Phikira Chandra Das.	Sardar	-do-	
3. Sri B. Appana Reddy.	H/Labour	19. Sri Suryamani Swain	Mandal	-do-	
4. Sri Udaya Nahak	"	20. Sri Arjuni Behera	H/Labour	-do-	
5. Sri Bijuli Nayak	"	21. Sri Chantu Sethi	"	-do-	
6. Sri Pati Ram	"	22. Sri Balabhadra Nayak	"	-do-	
7. Sri Mahantar Sethi	"	23. Sri Gandharba Jena	"	-do-	
8. Sri Surrendra Sethi (ii)	"	24. Sri Sanatan Das	Ancillary	-do-	
9. Sri Kailash	"	25. Sri Jogi Routh	H/Labour	5-7-75	
10. Sri Birbar Nayak	"	26. Sri Markanda Sahu	"	-do-	
11. Sri Dola Gobind	"	27. Sri Khetramohan Sahoo	"	-do-	
12. Sri Rajendra Jena	"	28. Sri Bhagaban Sahu	"	-do-	
13. Sri Madhab	"	29. Sri Krushna Ch. Behera	"	-do-	
14. Sri Banamali Sahoo	"				

Ancillary workers

1. Sri Dibakar Panda.
2. Sri D. Rajendra Reddy.
3. Sri Banbehari alias Durga Ch. Panda.
4. Smt. B. Papamma.
5. Sri R. Saramma.

2. I.D. case No. 5/78 is a similar reference made by the Central Government vide their Order No. L-42011(2)-76-D.II(B) dated 23rd September, 1978 for adjudication of the following disputes :—

- (1) "Whether the action of the Management of the Food Corporation of India in not treating the 'direct payment' workers of their depots at Jharsuguda, Jagan-nathpur, Dhenkanal, and Kalinga as 'departmental' is justified ? If not, to what relief are the concerned workmen entitled and from what date ?"
- (2) Whether the action of the management of the Food Corporation of India in not paying subsistence allowance to the workmen of their depots at Dhenkanal and Jharsuguda whose names are given in the Annexure, the respect of the period of their suspension from the dates shown against each is justified ? If not, to what relief are the said workmen entitled ?

Sl. No.	Name	Designation	Date of suspension
1	2	3	4
1. Sri Chandra Sekhar Jena	Sardar	18-2-75	
2. Sri Sukanta Ch. Jena	Mandal	-do-	
3. Sri Shyama Sunder Sahoo	H/Labour	-do-	
4. Sri Anamacharan Samal	-do-	-do-	
5. Sri Banshidhar Rout	-do-	-do-	
6. Sri Tungacharn Sahoo	-do-	-do-	
7. Sri Ananta Charan Sahoo	-do-	-do-	
8. Sri Provakar Jena	-do-	-do-	
9. Sri Sanatan Mullick	-do-	-do-	
10. Sri Raghu Mullick	-do-	-do-	
11. Sri Jogendra N. Behera	Sardar	-dc	
12. Sri Kartick Ch. Jena	Mandal	-do-	
13. Sri Rabindra Kr. Swain	H/Labour	-do-	
14. Sri Natabar Jena	-do-	-do-	
15. Sri Kapila Ch. Jena	-do-	-do-	
16. Sri Batakrushna Sahoo	-do-	-do-	

JHARSUGUDA DEPOT

1. Sri Janak Rohidas	Sardar	10-3-75
2. Sri Bichitra Nayak	Mandal	-do-
3. Sri Sanami Muduli	H/Labour	-do-
4. Sri Khirod Muduli	-do-	-do-
5. Sri Adikanda Patra	-do-	-do-
6. Sri Trilochan Swain	H/Labour	-do-
7. Sri Hadu Rohi Das	-do-	-do-
8. Sri Bhagat Satnami	-do-	-do-
9. Sri Dina Rohi Das	-do-	-do-
10. Sri Sansar Rohi Das	-do-	-do-
11. Sri Ankur Rohi Das	-do-	-do-
12. Sri Pita Rohi Das	-do-	-do-
13. Sri Gagani Rohi Das	-do-	-do-
14. Sri Narahari Rohi Das	-do-	-do-
15. Sri Gobinda Rohi Das	-do-	-do-
16. Sri Deshram Rohi Das	-do-	-do-
17. Sri Trika Rohi Das	-do-	-do-
18. Sri Musuru Rohi Das	-do-	-do-
19. Sri Gantia Rohi Das	-do-	-do-
20. Sri Bagu Rohi Das	-do-	-do-
21. Sri Kumud Rohi Das	-do-	-do-
22. Sri Nilamani Rohi Das	-do-	-do-
23. Sri Jagat Rohi Das	-do-	-do-
24. Sri Brundaban Rohi Das	-do-	-do-
25. Sri Guru Rohi Das	-do-	-do-
26. Sri Satyananda Rohi Das	-do-	-do-

3. As both the cases raise almost the same questions of fact and law it was agreed by the counsels of both the parties that it would be convenient to deal with both the cases together and pass the Award.

4. The case of the workmen in I.D. case No. 9/77 is that the Food Corporation of India (for short F.C.I.) was constituted by an Act of the Parliament in 1964. For administrative purposes the Food Corporation of India is divided into 4 zones and under each zone there are several regions and Orissa is one such Region. The smallest unit under the F.C.I. is a Depot where foodgrain is stored and for the purpose of storage in the said Depot and distribution therefrom Handling Mazdoors are essentially necessary and as such they form an integral part of the business undertakings of the F.C.I. In some depots they were directly engaged by the F.C.I. in some depots some were directly paid or departmentalised and some were employed through the contractors. The F.C.I. workers Union was formed in 1968 and registered 2-5-1969 and has been recognised by the

2-5-1969 and has been recognised by the Management. This is the only registered Trade Union of the Handling Mazdoors of the F.C.I. Jagannathpur food storage depot was an establishment of the F.C.I. in Chatrapur Sub-Division. It employed 63 Handling Mazdoors, all of whom were the members of the aforesaid Union. The Handling Mazdoors were working in gangs under the direct supervision and control of the F.C.I.'s Officers, supervisory staff and Godown clerks. At Jagannathpur depot they were distributed into Gang. No. 1, 2, 3, 4 and 5. These 63 workmen without any chargesheet, without any scope of defence and without any reasonable cause were served with a notice of FCI dated 22-2-75 directing them not to enter into Jagannathpur depot until further orders. It was mentioned in the notice that the above directions will be reconsidered after the judgment of the criminal case. It is contended that the said notice contains false and malicious allegations and were misconceived. Thirtyfour workers who were involved in the criminal case were finally acquitted in the criminal court. After the notice the concerned workmen and the Union made various representations to the F.C.I. as well as to Regional Labour Commissioner (Central), Bhubaneswar for allowing them to resume their duties, or to pay their wages or even to pay them the subsistence allowance. They were being told that the matter would be considered after the judgment in the criminal case. After the judgment of acquittal on 6-1-76 the Union took up the matter with the F.C.I. but to no effect. The conciliation proceedings followed, but proved abortive due to the adamant, too technical and malafide attitude of the F.C.I. It is further stated that the issue of notice dt. 22-2-75 was only to victimise the 63 workmen and to discredit this union which secured the abolition of contractor system and could make the FCI agree to departmentalise all these 63 Handling Mazdoors with effect from 1-11-73. In his connection it is further stated that after a series of correspondence between the Union and FCI, agitation by the union and workmen of Jagannathpur depot and negotiation between the Union and the FCI, an agreement was reached on 20-1-73 for abolition of Handling contract system and employing direct labour by FCI. The said agreement having not been implemented the Union made written demands for its implementation and agitation followed culminating in 5 days' strike in March, 1973. On 16-3-73 a tripartite settlement was reached. In Item 6 it was specifically stipulated that the demand was agreed to the extent of termination of the Handling contract at the four depots. Handling work at Cuttack, Jharsuguda, Dhenkanal and Jagannathpur depots shall for the time being be carried out directly, and issue would meanwhile be referred to the Head Office for necessary instruction with regard to the introduction of direct payment system. The Head Office of the F.C.I. approved of the same. On 23-5-75 an agreed minute was signed between the FCI and the Union. In Item No. 1(h) of the said minute it was provided "It was also agreed that the departmentalisation would take place in the remaining owned depots of the Corporation in the States of Assam, Orissa and Bihar with effect from 1-11-73", which obviously included Jagannathpur depot. In item Nos. 3 and 4 of the said minute the other details as to departmentalisation was provided. By another agreed minute of discussion between the representatives of the Union and the F.C.I. held on 11th and 12th March, 1974, in terms of item No. 4 of the agreed minutes dated 23-5-73, 63 concerned workmen of Jagannathpur depot were departmentalised and their arrear payment for the period from 1-11-73 to March, 1974 was to be made by the first week of April, 1974. There was an agreed minute of discussion between the Union and the F.C.I. on 24-4-74. From item No. 1 of the said minute it would appear that the F.C.I. agreed to make the payment of 40 handling mazdoors within 15 days and of the remaining 23 workers on hearing from the Zonal Manager. Inspite of the contract system being abolished for Handling work, direct payment being introduced, 63 handling mazdoors assessed for Jagannathpur depot and selected by the F.C.I. it does not lie in the mouth of FCI to say about 30 months after signing the said minute that there was no employer-employee relation between the said 63 workmen and the F.C.I. The F.C.I. was exercising control and supervision over these workmen and was paying them on piece-rate basis through the Sardar of the respective gangs instead of making them payment on monthly rate basis for which the workmen were provoked to go on a peaceful strike on 8-1-75 in all the depots of Orissa. The workers of the other depots were however allowed to resume

their duty with effect from 10-3-75. The action of the Management in not allowing the 63 workmen to resume their work is discriminatory, arbitrary and high handed in nature and amounted to victimisation and unfair labour practice.

5. The Management in a consolidated written statement contends that the handling mazdoors were never exploited. There was one mode of engagement of handling mazdoors through independent contractors where the work load was voluminous and where it was impossible to get it done by hired labourers. There was no juridical relationship of the employers and employee between the handling mazdoors and the FCI anywhere in India. The nature of work involved in the transaction was such that it could never be performed on individual wage basis. However in the year 1973, the nobleness of the officers of the FCI, broadness of their heart and their sympathy towards the handling mazdoors reflected in introducing direct payment system by abolishing the engagement of outside contractors. According to the direct payment system though the system of engagement of outside contractors was abolished, the workers Union was to choose their representative to take up the day-to-day work of the F.C.I. and to get it done in the way they liked and to receive final payment for the total volume or quantum of work done by them. So practically the representatives, so chosen stepped into the shoe of the outside contractors. They were receiving payments at the rate of the contractors for the work done by the mazdoors who were employed by them. The Management of F.C.I. in the depots where direct payment system were introduced never maintained the attendance register or muster roll of the workers. The F.C.I. Workers Union, Calcutta is not a recognised Union and the activities of this Union cannot be extended beyond the staff of West Bengal. Hence the F.C.I. workers Union cannot legally represent the workers of the F.C.I. of Orissa region. The Management does not admit that it had employed 63 handling mazdoors. At Jagannathpur depot handling operations were being done on contract basis. It was, therefore, the look out of the contractor vis-a-vis the representatives of workers to get the work done in the manner they choose as convenient to them. Therefore, it is not correct to say that they were under the direct supervision of the F.C.I. As there was no master and servant relationship between the F.C.I. and the 63 workers the question of chargesheeting them did not arise. It is only when the workmen in the Jagannathpur depot went on illegal strike, committed mischief inside the depot premises and threatened to cause danger to the safety of the public property as well as to the life of the Officers, then only an F.I.R. was lodged in the local police station. On Police enquiry the names of the miscreants could be known whereafter notices were issued against the miscreants prohibiting their entry into the depot. It is the specific stand of the Management that they had issued the notice dt. 22-2-75 against 34 workmen who were involved in the criminal case and not to the remaining 29 workmen. The refusal of entry to the Jagannathpur depot premises by the Management to the miscreant workmen can never be construed as suspension. In this connection it is stated that after the strike, the Management for running of the depot and keep strike, the Management for running of the depot and keeping the supply line clear appointed a contractor and the workers under that contractor formed a Labour Cooperative society during November, 1975 and they have been working there since then. The Management has no scope to allow other than the members of the said society to work as per the policy of the Central Government. It is admitted that there was a settlement dated 16-3-73 between the FCI and the representatives of the FCI Workers Union, Calcutta for introduction of direct payment system in Jagannathpur depot. The memorandum of settlement did not breathe the word 'departmentalisation' so far as Jagannathpur depot was concerned. It is merely stipulated therein that the direct payment system would be adopted only for the time being and the matter shall be referred to the Head Office for necessary instruction regarding direct payment system. It would thus appear that the direct payment system was taken up as temporary measure subject to the direction of the Head Office of the FCI. It is stated that though the said settlement was not legal and binding against the Management, still the abolition of outside contract system and introduction of Direct Payment

System by substituting representatives of the workmen only were carried out since 16-3-73 in the Jagannathpur depot.

6. On the question of departmentalisation of the workers of the F.C.I. it is stated that there was departmentalisation of workers of the F.C.I. in some depots on experimental basis. There was contemplation for further departmentalisation of workers in more depots, if it would not be detrimental to the objects and interest of the F.C.I. It was subsequently found that the system of departmentalisation of workers of the F.C.I. put heavy loss to the organisation. The F.C.I. also changed its idea for further departmentalisation. So although there was some discussion with the F.C.I. and the F.C.I. workers' Union on 23-5-73 on the matter of departmentalisation, that has no legal force as it was not a 'Settlement' according to law. The other minutes of discussion in this regard are also said to be not legally valid. Finally, it is stated that the issue of notice to the workmen, who were involved in the criminal case would not amount to refusal of employment.

7. In I.D. case No. 5/78 the additional facts pleaded by the Union are that the Union could impress upon the Management that the so called contractors had no role to play, they had no power of control, supervision or payment in regard to the foreshaid labour and everything vested in the F.C.I. and on that premise a settlement was reached on 16-3-73 for abolition of Contractor Labour System, followed by another settlement between the Union and the Management at New Delhi on 23-5-73, popularly known as Delhi agreement, providing for departmentalisation of the erstwhile contract labour, though even without any such settlement, the said labour constituted as an integral part of the F.C.I.'s establishment everywhere in India and were the employees of F.C.I. at all material time. The F.C.I. had depots at Jharsuguda, Jagannathpur, Dhenkanal and Kissingsa in Orissa, wherein 120, 95, 112 and 75 Handing Mazdoor respectively were employed. The contract labour system, as stated earlier was in vogue at Jharsuguda, Dhenkanal and Jagannathpur depots till February, 1973 and the same was abolished in terms of the tripartite Settlement dated 16-3-73 and direct payment system was introduced, the middleman being eliminated already in the process. Kissingsa depot was started in 1973 and since its very commencement all the Handing Mazdoors were employed at the said depot as direct paid workers subject to the direction and control of the F.C.I. Management. All the direct payment workers of the four depots, as above, were regular and monthly paid employees and pending finalisation of their wages, at the time of abolition of contract labour it was agreed upto that they will be paid on the piece-rate basis and their arrears will be paid subsequently on the basis of wages to be fixed thereafter. The direct paid labour were departmentalised with effect from 1-11-1973 in terms of the settlement reached in March, 1974 and was circulated to the Union. The said settlement having not been properly implemented, the Union brought the matter to the attention of Regional Labour Commissioner (Central) Bhubaneswar for his intervention. The R.L.C. held a joint conference of the parties before him on 24-4-74. In terms of the settlement, the Union from its side fully honoured the terms agreed upon. The workers submitted their bio-data and signed prescribed forms and the surplus persons left the depot after receiving the payment from the F.C.I. As such, those who continued to work in the four concerned depots became entitled to departmentalisation with effect from 1-11-73 and were entitled to wages of departmentalised worker with effect from that date, less the wages they were paid on piece rate basis as was fixed during the contractors regime. In this connection it is further stated that at any event formal departmentalisation or no formal departmentalisation the direct paid labour of the aforesaid four depots were the regular monthly paid staff of the F.C.I. doing useful and indispensable work for and on behalf of the F.C.I. under the direct control and supervision of the F.C.I.'s Officers. This satisfies all the tests laid down by the Hon'ble Supreme Court for constituting employer-employee relationship. The workers have been denied payment in terms of the settlement in March, 1974 and are being paid in whole contractor's rate though the contract labour system was abolished in March, 1973. Being paid on piece rate basis, there is no guaranteed minimum or fixed earning per month for any of the concerned

workmen of the four depots and their monthly income varies from Rs. 20 to Rs. 100 per month whereas those recognised as direct labour of F.C.I. in Orissa for similar categories of workmen at Bhubaneswar, Cuttack, Khurda Road (Jatani), Ranital, Hukud, Fulbani, Dungripalai and Kourkella depots get much higher rate of wages with guaranteed minimum monthly wages in each case and other benefits, which is denied to the concerned workmen. The workers of those depots were also getting bonus and other tenents. The workers of the F.C.I. in different parts of India, went on strike from 2-1-73. The Management of F.C.I. however took a vindictive attitude as a matter of policy during the period of strike and the local management of F.C.I. depots at Dhenkanal and Jharsuguda in particular, started base and frivolous criminal cases against many of these striking labour, and without any letter in most of the cases and only by hanging notices at the gate of depot until ordered suspension of their workmen in case of specified 29 labour of Dhenkanal and 26 labour of Jharsuguda depots as mentioned in order of reference, which continues even to-day. All the 24 concerned labour of Dhenkanal depot were suspended on 16-2-73 and 5 on 3-1-73, all the 26 concerned labour of Jharsuguda depot were suspended on and from 10-3-73. Excepting the 5 labour of Dhenkanal depot who were suspended with effect from 5-1-73 and five other concerned workmen of Dhenkanal depot, the rest of the workmen were implicated in criminal cases at the instance of the local management of F.C.I. There was no particular reason for suspension of Sri Jagi Koudi, Karkanda Sanoo, Kher Angoori Sanoo, Bhagabati Sanoo, Kichindra Chandra Behera, Dhanmular Koudi, Pravakar Jena, Manik Ch. Jena, Kapra Ch. Jena and Rukhia Ch. Das on the plea of偷窃 or criminal case. Suspension merely on the plea of pendency of a criminal case or refusal by the management of F.C.I. to give work to any of the concerned workmen was outside the purview of any term of employment suspension or refusal without payment of his salary was not permissible under any term of contract or provision of law. In the absence of any provision to the contrary for all such suspension or refusal of work, the Management was liable to pay full salary. The Union, in ignorance of that law, however, claimed 50 percent of the wages for first 30 days of suspension and 75 percent of wages for the period thereafter with the F.C.I. by letter dated 26-3-73. But the F.C.I. remained adamant and paid nothing. In the criminal case, started against the workmen, all workmen were acquitted except the 20 workmen of Jharsuguda depot mentioned in the order of Reference who were found somewhat guilty. Finally it is stated that the Management put it as a policy not to allow a section of workmen to resume duty including those mentioned in the order of reference.

8. The Management has similarly pleaded some additional facts in this case. It is stated that prior to the introduction of direct payment system in the depots at Jharsuguda and Kissingsa they were functioning under the contract labour system. The workers of these depots were not employed by the F.C.I. and the F.C.I. had no control over them. It is stated that with regard to the rate of payment under the direct system it was decided in the meeting held on 18-1-73 that workers should be paid at the same rate as the contractors were paid. With regard to the minutes of meeting held on 23-5-73 it is stated that a mere desire was expressed to departmentalise the labourers tentatively by 15-6-73 and 1-11-73 even though the F.C.I. was under no legal obligation to do it. In fact departmentalisation was not done in any of the four depots. It is emphatically stated that the minutes of the meeting held on 23-5-73, 11-3-74 and 12-3-74 are neither settlement nor agreement under the provision of the Industrial Disputes Act 1947. The Management further contends that it is not a fact that for all purposes the departmentalisation of labourers was effected and for the unpaid salary/wages dispute arose for intervention of R.L.C. There being no departmentalisation, it can not be said that there exists relationship as employer and employees or as master and servant between the F.C.I. and persons working under Direct Payment system in these four depots. As to the case of suspension it is contended that the persons working under the direct payment system were not suspended by the F.C.I. The real fact is that the labourers demanded to abolish contract labour system in F.C.I. and to engage labour on departmental basis and to convert labourers working under Direct Payment system to departmental labour for which disputes in all

parts of India arose, and F.C.I. operations had to be suspended and depots had to be closed. On examination it was found that in depots where labourers were departmentalised, lawlessness, indiscipline increased and productivity fell down to an great extent and it was observed that departmental labourers invariably defy working norms and instructions or FCI on the slightest pretext. It was also observed that departmental labour is consliar and wasteful. In the contract system however, the contractors were responsible for the completion of work in time and liable for damages. It has been finally decided by the Govt. of India that further departmentalisation of labour should not be resorted to. The Labour's demand for abolition of contract labour system is not lawful. The Contract Labour (Regulation and Abolition) Act covers the entire subject of contract labour and therefore Government can not refer dispute relating to contract labourers u/s 10 of the I.D. Act to an Industrial Tribunal. It is the definite case of F.C.I. that departmentalisation of labour has not been introduced at the F.C.I. depots at Jharsuguda, Jagannathpur, Dhenkanal and Kesigna and Direct Payment workers in these depots can not be treated as departmentalised workers. Further departmentalisation of the contract labourers will entail abolition of Contract Labour. This can only be done in accordance with the provision of the Contract Labour (Regulation and Abolition) Act 1970 and therefore it is submitted that the Industrial Tribunal has no jurisdiction to decide item No. 1 of the schedule of reference. Direct Payment system is nothing but contract labour system and workers under this system are not workmen of F.C.I. and therefore there is no employer and employee relationship between F.C.I. and these workers. The F.C.I. is not required to pay any allowance to the persons referred to in item No. 2 of the schedule of reference as they are not the workmen of the F.C.I. and have not been suspended.

9. In an additional written statement filed by the Union it is stated that they have never made any claim for abolition of any contract labour system. Their specific case is that the contract labour system stood abolished by the Tripartite settlement dated 16-3-73 which was also confirmed by agreed minutes dated 23-5-73 and several other subsequent facts. It is therefore completely wrong to say that the present dispute in any way or any manner falls for decision of the abolition of the contract labour system. The clandestine efforts of the first party to destabilise the settled matter and to give a colour of existence of some intermediary where in fact no such intermediary exists nor can lawfully exist would not give rise to a dispute on abolition of contract labour system. The abolition of contract labour system is wholly a non-issue so far as the present reference is concerned. This question is also not an incidental one calling for any adjudication by the Tribunal. The competency of the Tribunal to determine the issue can not be questioned to determine the dispute as referred by the Central Government can not be questioned by introducing a non-existent issue.

10. On the aforesaid pleadings, the following issues have been framed in I. case No. 5/78—

ISSUES

- (1) Whether the present reference is maintainable and this Tribunal has jurisdiction to adjudicate the dispute under reference?
- (2) Whether the action of the Management of the Food Corporation of India is not treating the 'direct payment' workers of their depots at Jharsuguda, Jagannathpur, Dhenkanal, and Kesinga as 'departmental' is justified? If not to what relief are the concerned workmen entitled and from what date?
- (3) Whether the action of the Management of the Food Corporation of India in not paying subsistence allowance to the workmen of their depots at Dhenkanal and Jharsuguda whose names are given in the Annexure, in respect of the period of their suspension from the dates shown against each, is

justified? If not, to what relief are the said workmen entitled?

11. From the pleadings in I.D. case No. 9/77 the following issues arise for consideration :—

ISSUES

- (1) Whether there is existence of master-servant relationship between the parties within the meaning of the I.D. Act?
- (2) Whether the F.C.I. Workers's Union could validly raise the dispute?
- (3) Whether there was refusal of employment to the 63 workmen by the Management of Jagannathpur, depot?
- (4) Whether the Tribunal has jurisdiction to entertain this dispute?
- (5) To what relief, the workmen are entitled?

12. Issue No. 4 in I. D. Case No. 9 of 1977

The contention of the management is that the meet question for consideration in both the proceedings is about the abolition of the contract labour system. Such a question the Industrial Tribunal is not competent to decide. The decision on the question of abolition of contract labour system is exclusively within the jurisdiction of the authorities under the Contract Labour (Regulation and Abolition) Act, 1970. In this connection reference has been made to the decisions reported in AIR 1983 SC 488 and 1986 (2) (LR 416). An affidavit has also been filed on behalf of the management along with xerox copies of the India Gazette and the Order of the Supreme Court in CMP No. 18477/85 in Writ Petition (Civil) No. 13508/83 and the SLP (Civil) No. 7039/85 between the FCI Workers' Union Vrs. FCI and others and also a letter of the Government of India in the Food and Supplies Department dated 17-5-1985 and the Government of Orissa in the Labour and Employment letter No. 211185 contending that on the report of the Committee constituted under the Contract Labour (Regulation and Abolition) Act, 1970 in pursuance of the judgment of the Supreme Court as reported in AIR 1983 SC 488 the State Government of Orissa was satisfied that there is no justification to prohibit engagement of contract labour in all the Depots of the FCI in the State of Orissa. According to the workmen, however, the dispute is the two proceedings is not related to the abolition of the contract labour system. On the other hand, as per the settlement dated 16-3-1973 the contract system has been abolished and what is required to be decided in these two proceedings is the relief admissible to the workmen on the footing that direct payment system has been introduced and the further question whether the workers can be treated as departmentalised labour. On a perusal of Clause (6) of Ext. 6, the Memorandum of Settlement dated 16-3-1985, it is clear that the parties agreed that the handling contracts at Jagannathpur and Dhenkanal be terminated forthwith and the work done directly as the existing contractors at these two places had apparently failed to carry out the work smoothly and continuously. It was further agreed that the handling contracts in the four Depots, namely, Cuttack, Jharsuguda, Dhenkanal and Jagannathpur shall for the time being be carried out directly. Ext. 9 which is dated 28-4-1973 issued by the Zonal Manager of the FCI, Zonal Office, Calcutta, indicated the procedure to be followed in the matter of direct payment to the labourers. On a perusal of the settlement, Ext. 6 and the letter, Ext. 9, there can be no doubt that the engagement of contractors in the Depots for the handling work, where direct payment system was introduced, has been dispensed with. It is no doubt the case of the management that after dispensing with the contractors, payments were made through the chosen representatives of the workers' Union and such representative substituted the previous contractors. I shall have occasion to deal with the effect of the engagement of such representative on the question of master and servant relationship between the parties at a later stage of this Award. At this stage, however, it is sufficient to say that the parties are not in issue whether the contract labour system in the aforesaid four Depots should be abolished or not. That being

not the issue the decisions relied on by the management have no application to the present case. The decision of the Government of Orissa that there is no justification to prohibit engagement of contract labour in the Depots of the FCI in Orissa does not have the effect of nullifying the agreements contained in the settlement (Ex. 6). In the above view of the matter, the management's contention that this Tribunal has no jurisdiction to entertain the disputes covered by these two proceedings must fail.

13. Issue No. 1 in I. D. Case No. 9 of 1977

It has been vehemently contended by learned counsel for the management that in the facts and circumstances of the case, there can be no escape from the conclusion that there exists no master and servant relationship between the parties to the proceedings. His submission are that although the services of the contractors in the four Depots were dispensed with, the representative of the Union through whom payments were made to the workers substituted the previous contractors and the old system of the handling work as well as the payments to workers continued as before. The management as per the agreement never maintained any muster roll of the workers. It was the representative of the Union who engaged labourers as per the work-load available and was paid amounts for the total work done. The duration of employment of the workmen, the quantum of work to be done by each of such workmen and the payment made to the workmen remained the concern of the representative. The management has absolutely no control or supervision over the workers. Thus, there was absolutely no change in the system of work. The only change was that the Union representative stepped into the shoes of the contractors. The learned counsel for the workmen refuted the above submission. According to him, the engagement of contractors was completely dispensed with. The representative of the Union who was also a worker was only entrusted with the responsibility of accepting the payment on behalf of the workers and used to make payments to the workers on their daily out-turn of work. The officers of the management exercised control and supervision over the work of the labourers. They had the right to refuse work.

14. Before entering into the factual aspect I would like to make reference to a decision reported in AIR 1984 SC 23 in which their Lordship have laid down the tests for determining the master and servant relationship between the employer and the employees. It has been held :

...if every piece rated workman in an independent contractor, lakhs and lakhs of workmen in various industries where payment is correlated to production would be carved out of the expressed 'workman' as defined in the Industrial Disputes Act. In the past the test to determine the relationship of employer and the workman was the test of control and not the method of payment. Piece rate payment meaning thereby payment correlated to production is a well-recognised mode of payment to industrial workmen. In fact, wherever possible that method of payment has to be encouraged so that there is utmost sincerity efficiency and single minded devotion to increase production which would be beneficial both to the employer, the workman and the nation at large. But the test employed in the last was one of determining the degree of control that the employer wielded over the workmen. However, in the identical situation in *S. & T. Jubilee Tailoring House V. Chief Inspector of Shons and Establishments* (1973) : SCR '74' (AIR 1974 SC 37), Mathew, J. speaking for the Court observed that the control idea was more suited to the agricultural society prior to Industrial Revolution and during the last two decades the emphasis in the field is shifted from and no longer rests exclusively or strongly upon the question of control. It was further observed that a search for a formula in the nature of a single test will not serve any useful purpose, and all factors that have been referred to in the cases on topics, should be considered to tell a contract of service. Approaching the matter from this angle, the Court observed that the employer's right to reject the end product if it does not conform to the instructions of the employer sneaks for the element of control and supervision. So also the right of removal of the workmen or

not to give the work has the element of control and supervision...."

Now coming to the facts of the case we again revert to the settlement dated 16-3-1973. From the settlement it appears that the FCI Workers' Union made a demand for the abolition of handling contract system at various Depots of the FCI operating in the State of Orissa in terms of the agreement dated 20-1-1973. Clause 6 mentions the demand of the Union to the effect that in view of the resignation of the handling contractors at Cuttack Depot and Jharsuguda Depot this work will be done directly. The handling contracts at Jagannathpur and Dhenkanal shall be terminated forthwith and the work done directly. The demand was agreed to the extent of termination of handling contracts at these four Depots Handling work at Cuttack, Jharsuguda, Dhenkanal and Jagannathpur Depots shall for the time being carried out directly. The issue shall in the meanwhile be referred to the Head Office of the FCI for necessary instruction with regard to introducing the system of direct payment in the aforesaid Depots, if they so approve. In the meantime proper records of work done shall be kept by the management. Ext. 9 referred to above prescribed the procedure in respect of direct payment to labourers. The procedure to be followed are (1) the bills should be prepared by the Depot staff; (2) the labourer should authorise their Sardar/Mandal to accept payment and sign bills on their behalf and give acquittance; (3) the authorised Sardar/Mandal may then receive money after giving the acquittance; and (4) the bill with acquittance in original should be with the FCI. In the minutes of the meeting held between the management and the workers' Union on 23rd May 1973 it was agreed that the Union would submit the original acquittance rolls for receipted by the individual workers for the previous period under direct employment and in future as well. Payment henceforth for work done will be made to the workers by the Corporation on identification by Sardar and acquittance rolls duly received obtained. Costs of revenue stamps will be borne by the Corporation. In face of the above agreement and the intent of the letter Ext. 9, the contention on behalf of the management has been that the so-called introduction of direct payment system was not implemented and that the old system of engagement of labourers and the payment to the workers continued to be made through the representative of the Union which for all intents and purposes was nothing but contractual relationship. In this connection strong reliance has been placed on the work-slips vide Exts. C series. There is no dispute over the fact that the workers' Union intimated the Regional Manager of the FCI, Bhubaneswar Region the names of the workers' representatives authorising them to receive wages on behalf of the workers (vide Exts. A and B in I. D. case No. 5 of 1978). The work-slips are in the same form which were utilised for making payments to the contractors. Taking advantage of the use of the same forms, a case is sought to be built up that the workers' representatives acted as contractors. In some of the slips it has, however, been mentioned that the representative signed the work-slips as representative of the Union. In fact, it is not the case of the Management that these representatives had any share or profit. All that they are required to do is to receive the payments on behalf of the workers. Merely because the representative of the Union received payment on behalf of the workers, he does not take the colour of a contractor. Moreover, the admitted position is that the representatives used to take payment on behalf of the workers. Ext. D to D/3 (in I. D. case No. 5/78) describe the bills as the workers' bill. Exts. G, I, P and P/1 clearly make out the case of direct payment system. In Ext. M, the representatives who received the payments are certified to be labourers by an Officer of the Corporation. It is also the evidence that they were themselves the workers. This system of receiving payment on behalf of the workers was in accordance with the terms of the settlement Ext. 6 and the instructions issued by the Zonal Manager Ex. 9.

15. In this connection, learned counsel for the workmen also drew my attention to a decision reported in 1985-11 I.L.J. 4 known as Siliguri case in which the effect of a settlement dated 20-1-73 which in fact was the basis of Ext. 6 and the circular (Ext. 9) and the conduct between the parties came for consideration. In that case it was also contended on behalf of the FCI that the workers' representatives were merely substitute contractors and that there was no relationship of master and servant between the FCI and the workers.

of Siliguri Depot. Their Lordships repelled the contention raised on behalf of the FCI and held that there was master and servant relationship between the parties. The learned counsel for the management sought to distinguish this case on the ground that in that case there was ample evidence that payments were being made directly to the labourers, but in the instant case there is no such evidence. It is true that in the present case the muster roll of the workers and the acquaintance by individual workers is lacking. For this situation, however, both the parties are to blame. In the settlement dated 16-3-1973, (Ext. 6), the Management had agreed to keep records of the work done by the workers. In the minutes of the meeting dated 23rd May, 1973 the Union agreed to submit the original acquaintance roll duly received by the individual workers. It is not very clear as to whether the Management or the Union maintained such records, but the fact remains that the representative of the workers used to receive the payment on behalf of the workers. The notices dated 22-2-75 (Exts. 1, 2 and 14 series in I. D. case No. 9/77) issued to the workers clearly make out that they were labourers under the direct payment system. In the notices the workers have been directed not to enter the premises of the depots until further orders. The notices also indicate that the orders are subject to such orders as may be passed by the criminal court. If the workers were men of the contractor it was not all necessary for the Management to issue such direction. In fact above directions were issued to the workers prohibiting their entry this would only mean that the Corporation has the right to refuse work which they have done. It is also the evidence of the witnesses for the workmen in both the proceedings that the Officers of the depots were supervising the work of the workers. Ext. 8 in I. D. case No. 5 of 78 which is Ext. 13 in I.D. case No. 9/77 dated 4-9-78 show that the Management decided to grant ex-gratia in lieu of bonus to each workers under the direct payment system and this payment was to be made strictly in accordance with the Payment of Bonus Act, 1965. It is therefore too late for the Management to say that the direct payment workers were contract labourers and were not their employees. Taking an overall picture of the situations and relying on the principles laid down in 1985 II I.I. 4 and A.I.R. 1984 S.C. 23 I have no hesitation to hold that there was relationship of master and servant between the Corporation and the handling workers in the four depots.

16. Issue No. 2 in I. D. case No. 9/1977 —The validity of the reference has been challenged on the ground that the FCI workers' Union which has been registered in West Bengal had no authority to espouse the cause of the workmen. It is the admitted position that this Union which has espoused the cause of the workers has been dealing with the Management and there has been settlement and discussions between the Management and this Union on various issues. It is also the settled position of law that even an unregistered Union can raise a valid industrial dispute. The Trade Union Act nowhere debars a Union registered in a State to raise an industrial dispute in respect of workers in another state. We have the evidence of MW-1 that the workers are members of the Union. From the above it is quite evident that the FCI Management has all through given the de-facto recognition of this Union. No authority has been cited before me for the proposition that a registered Union of a State can not espouse the cause of the workers of another State even if they are members of the Union. It is in evidence that the concerned workers are the members of the Union. I would, therefore, hold that the reference cannot be said to be bad on the ground that the FCI Workers' Union which is registered in West Bengal has espoused the cause of the workers.

17. Issue No. 3 in I. D. Case No. 9 of 1977. The Management's case is that they have not refused employment to any of the workmen. In view of the criminal case started against the workers, the Management issued the notice dated 22-2-75 directing them not to enter into the Jagannathpur depot premises until further orders. The only construction that can be put on this notice is that the Management refused employment to the workers with effect from 22-2-75. I have perused the notice. It is mentioned in the notices that the workers were taking part in an illegal strike which has been prohibited by the Government of India and that they had indulged in violation acts within the depot premises for which criminal case were started against them. It is

further mentioned in the notice that they were labourers under direct payment system and not a departmentalise labour. The notice also contains a direction to the workers not to enter into the Jagannathpur depot premises until further orders. Finally, it is mentioned that the notice is always subject to such orders which have been passed or which might be passed in future with regard to the workmen by the court in connection with the criminal case. The purport of the notice could not be anything else than the refusal of employment. The next question is as to how many workmen were prohibited to enter into the depot premises by the notice dated 22-2-75. According to the workmen all the 63 persons were prohibited entry by the issue of notice. In the schedule of reference names of 63 persons including D. Chenni Ratty have been mentioned. According to the Management however only 34 persons who were involved in the criminal case were issued these notices. Out of the 34 persons involved in the G.R. case as mentioned in the Judgement of the criminal court (vide. Ext. 3) only 30 persons i.e. Sl. Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18 to 24, 26 to 33 and 34 are only concerned in this reference. This is evident on the comparison of the names given in the annexure of the reference and the judgement of G. R. case No. 49/75. This clearly makes out that out of 63 persons named in the schedule of reference only 30 were involved in the criminal case and were thus prohibited from entering into the depot premises. It appears from the evidence of WW-2 that out of them Arikhit Sethi and Dhanu Behera are dead. Therefore out of 63 persons 30 persons who were involved in the criminal case had been prohibited entry. In I. D. case No. 9/77 the workmen have filed only 27 notices including the notices received by Arikhit Sethi and Dhanu Behera. The Union representing the workmen has no explanation as to why the notices received by the remaining workmen have not been filed. A bold statement is only made that notices similar to the notices issued to Chenni Reddy alone (vide Ext 2) were issued to 29 persons who were not arrested and not involved in the criminal case. It is difficult to accept such a stand. In this connection it may be mentioned that in Ext. 16 in I. D. case No. 5/78 it was mentioned by the Union that in 3 depots at Jharsuguda, Jagannathpur and Dhenkanal about 75 workers have been suspended during the strike period. In the schedule of reference in I. D. case No. 5/78 there are names of 29 persons in respect of Dhenkanal depot. Comparing this list with Ext. 21 (the judgment of the criminal court) it appears that 19 persons were involved in the G. R. case out of whom only 18 find place in the schedule of reference. Similarly in respect of Jharsuguda depot names of 25 persons were given in the annexure of the schedule of reference and it is stated that all the 26 were involved in the criminal case and were convicted. Thus the total number of persons involved in the criminal case and concerned in the reference comes to Dhenkanal 19, Jharsuguda 26 and 30 for Jagannathpur depots. This exactly makes the figure 75. From the above analysis it is established that only 30 workers of Jagannathpur depot out of them 2 were dead, were prohibited for entry into the depot premises. I, therefore, come to the conclusion that only 30 persons of Jagannathpur depot were refused employment by the Management.

18. Issue No. 1 in I. D. case No. 5 of 78 :—

This is covered by the findings in issue Nos. 1 and 4 of I. D. case No. 9/77.

19. Issue No. 2 of I. D. case No. 5/78 :—

The question for consideration is whether the action of the Management in not treating the direct payment workers of the four depots namely Jagannathpur, Jharsuguda, Dhenkanal and Kesinga as departmental workers is justified. I have already held that the workers of these four depots have been treated as direct payment workers with effect from 17-3-1973. The claim of the workmen is that they should be treated as departmentalise labourers. Here again the question arises whether by making such a claim, the Union representing the workmen has by implication raised any question of abolition of contract labour system. I have already found that by virtue of the settlement dated 16-3-1973 and the circular issued by the Management on 28-4-1973 the contract labour system has been done away with and direct payment system has been invoked. It has no doubt been submitted on behalf of the Management that the introduction of the direct payment system has not

been implemented and that the contractors have merely been substituted by the representatives of the Union. I have rejected this plea.

20. In support of their claim of being treated as departmentalised labourers the workmen have relied on the minutes dates 11 & 12th March, 1974 (Ext. 3 in I. D. case No. 5/78). It appears that the parties agreed to accept the figures regarding turn over given by the Regional Manager for the purpose of fixing the strength of workers. Shri Jena and Shri Ghosh (the representatives of both the parties) indicated that they would check up the assessed strength further and they also requested that the General Manager should get specific item checked up. It was agreed that if further check and further departmentalisation if necessary will be done within a period of one month. In respect of Jharsuguda depot it was agreed that the following categories of workers should be departmentalised :—

Handling Workers	69
Ancillary workers	5
Sardar	6
Mandal	6

In respect of Dhenkanal it was decided that subject to further checking the following number of workers should be departmentalised :—

Handling	46
Ancillary workers	5
Sardar	4
Mandal	4

Similarly with regard to Kesinga it was agreed subject to further check up, the following number of workers should be departmentalised :—

Handling workers	37
Ancillary workers	5
Sardar	3
Mandal	3

In respect of Jagannathpur it was agreed subject to the approval of the Zonal Manager, the following categories of workers should be departmentalised :—

Handling workers	50
Ancillary workmen	5
Sardar	4
Mandal	4

Finally, it was agreed that all the workmen who have been working under direct payment system and who have not accepted their pay from 1st November 1973 would be paid at the rate prevalent in October, 1973 from November till February, 1974. The persons who would be departmentalised ultimately would be paid the differential adhoc rates and the amounts so received immediately after the departmentalisation work is completed, or the first week of April, 1974. The effect of departmentalisation in respect of the four depots will be given from 1-11-1973. It does not appear if any follow up action was taken on the minutes of the meeting. The Union, representing the workmen also does not appear to have raised any grievance about the non-implementation of the decisions taken in the meeting. No attempt also appears to have made in recording the above decision in form of a settlement. As indicated earlier, the departmentalisation was to be effected subject to the figures being checked up. No evidence is forthcoming as to whether there was any such check up. Reliance has also placed on Ext. 5 to which a copy of the minutes of discussion held on 24-4-1974 is enclosed in support of the case of departmentalisation. I however do not

find anything in the minutes to suggest any action taken for departmentalisation. Thus we do not have before us any final decision with regard to the departmentalisation of the direct payment labourers. In other words there is no valid settlement between the parties with regard to the departmentalisation so as to make it binding on the Management. It is no doubt true that in some other depots of Orissa departmentalisation has been given effect to. But that fact alone would not entitle the workers of these four depots to be treated as departmentalised labourers. No satisfactory evidence has been adduced to make a comparison of the work load and the turn-over of the depots where the workers have been departmentalised and that of the four depots in respect of which departmentalisation of labourers is claimed. In the above view of the matter the claim of the workmen that the workers of the four depots should be treated as departmentalised labourers can not be accepted.

21. Issue No. 3 of I. D. case No. 5 of 1978 :—

It is the case of the workmen that the Management in retaliation to the strike started false and frivolous case against many of the striking labourers and without any letter in most of the cases and by hanging notice on the gate of the office, ordered their suspension and such order of suspension was not followed by any chargesheet thereafter or till date. It is further stated that the suspension in case of specified 29 labourers of Dhenkanal and 26 of Jharsuguda as mentioned in the order of reference continues even today. It is further stated that 24 workmen of Dhenkanal depot were suspended on 18-2-1975 and 5 on 5-7-1975 and 26 the concerned workmen of Jharsuguda depot were suspended on and from 10-3-1975. In this connection it is also stated that excepting the five labourers of Dhenkanal depot who were suspended with effect from 5-7-1975 and 5 other concerned workmen, the rest of the workmen were implicated in the criminal case at the instance of the local Management. There was no particular reason for suspension of Jogi Rout, M. Sahu, K. M. Sahu, B. Rout, P. Jena, K. Jena, K. C. Jena and F. Das on the plea of pendency of the criminal case as was the reason of suspension in case of the remaining labourers. Suspension by refusal of work by the Management is outside the purview of the term of employment. They have claimed 50 percent of the wages for the first 90 days of suspension and 75 per cent of wages for the period thereafter. According to the Management however, persons working in the direct payment system were suspended by the F.C.I. Only entry of such persons into the depot were prohibited for the reasons of security only. The Management has also denied the right of the workers to claim any subsistence allowance. The order of suspension if any or for that matter the notice on the basis of which the workers are said to have suspended have not been filed. In his evidence W. W. 1 has stated that some of the workmen from amongst the workmen named in the reference were arrested during the period of strike. When they wanted to join after being released on bail, they were not allowed to work and they were told that their case will be considered after the police case was over. The persons arrested and suspended were not asked by a written order of the Regional Manager, District Manager and the Depot Superintendent. Some of the workmen named in the reference were not arrested, not involved in the police case. Ext. 11 is one of the written orders dated 17-8-1975. Ext. 12 is another such order. The only suggestion to this witness is that the Management never suspended any workers but prohibited themselves from entering into the premises as they were creating disturbances. W. W. 1 has deposed that they staged dharna and then were arrested and after that they were released on bail. They were told that they have been placed under suspension and would not be allowed to resume duty until the criminal case is finalised. Even after the disposal of the criminal case they were not allowed to resume their duty. The suggestion to him is that the workers were not placed under suspension. To the similar effect the evidence of M. W. 3. The Management's witness No. 1 has stated that the Management prohibited the workers involved in the criminal case to enter into the premises after ascertaining their names from the local police. In the absence of any documents with regard to the suspension of workers and

in view of the evidence of the witnesses referred to above it would be reasonable to hold that the persons who were involved in the criminal case were asked not to enter into the depot premises. It does not appear if the Management allowed those persons to join in their duties. From the analysis made with regard to the number of workers who were refused employment in I. D. case No. 9/77 it may be reasonable to hold that only 18 workers of the Dhenkanal depot involved in the criminal case vide (Ext. 21) were prohibited entry. In respect of Jharsuguda depot all the 26 persons as mentioned in the order of reference who were involved in the criminal case were similarly prohibited entry into the premises. The plea that the Management had suspended them has not been borne out from the record. The Management is therefore not liable to pay any subsistence allowance to the workmen. These workmen do not claim reinstatement but claim wages for the period from the date of suspension till they were allowed to resume in their duties. It is therefore not appropriate to give any such direction to the Management. The refusal of work to these employees on the ground of misconduct i. e. involvement in the criminal case without complying even the basic requirement i. e. asking them to explain and giving them an opportunity of being heard can not be countenanced, in the law. I would therefore hold that this refusal of work have been illegal and the workmen mentioned above are entitled to the wages for the period from the date mentioned against them till they were allowed to resume in their duties.

22. Thirty workmen excluding the two who are dead covered in I. D. case No. 9/77 who were involved in the criminal case and who had been refused employment do not appear to have been given any opportunity to explain their conduct and they have been suddenly refused employment. Such an action is against the principle of natural justice. The refusal of employment in any opinion has not been according to law and these workmen are therefore entitled to reinstatement in service with full back wages.

23. To sum up the workers involved in both the proceedings are held to be workmen. The 30 workers of Jagannathpur depot covered in I. D. case No. 9/77 involved in the criminal case (two are said to be dead) are entitled to reinstatement with full back wages. The 18 workers of Dhenkanal Depot and 26 persons of Jharsuguda Depot involved in the criminal cases are entitled to wages from the date of the refusal of employment till they were taken back to employment. In determining the back wages of the workers of Jagannathpur, Dhenkanal and Jharsuguda, the number of days for which work was available in the respective depots and the prevailing piece rate shall be taken into consideration. The claim of the workers of the four depots to be treated as departmentalised labourers is not acceptable and the action of the Management in this regard can not be said to be illegal.

24. An Award be passed accordingly.

29-9-87

R. N. PANDA, Presiding Officer.
[No. L-42011(23)76-D. II (B)]

का. आ. 3160.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, जनरल मैनेजर, विहकल फैब्रिटरी, जबलपुर के प्रबंध-संत्र में मध्यबंद नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चिट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12 अक्टूबर 1987 को प्राप्त हुआ था।

S.O. 3160.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Vehicle Factory, Jabalpur

and their workmen, which was received by the Central Government on the 12th October, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (73) of 1986.

PARTIES :

Employers in relation to the management of the General Manager, Vehicle Factory, Jabalpur (M.P.) and their workman, Shri Hanumant Rao, CMP Gr. II, Vivek Colony, Kanchanpur Road, Adhartal, Jabalpur (M.P.)

APPEARANCES :

For workman—Shri T. G. Billore, Advocate.

For management—Shri A. K. Chauhan, Advocate.

INDUSTRY : Vehicle Factory

DISTRICT : Jabalpur

(M. P.)

AWARD

Dated : 1st October, 1987

The Central Government in the Ministry of Labour vide Notification No. L-14012(25)85-D. II(B) dated 14-6-1986 made the following reference for adjudication :—

"Whether the action of the management of Vehicle Factory, Jabalpur (M. P.) in removing Shri Hanumant Rao, CMD Gr. II, from service with effect from 18-10-84 (F.N) is justified. If not, to what relief the workman concerned is entitled and from what date ?"

2. After the reference order the workman filed statement of claim and requested for time for getting the amendment in the reference order made in view of the fact that the workman has been reinstated with certain penalty. Time was allowed. On the same date management also filed their statement of claim. Several dates were given to the workman for getting the amendment made by the Ministry in the reference order. But on 1-6-1987 Counsel for the workman moved an application stating that the Government has refused to amend the above Schedule.

3. The admitted position as emerge out from the pleading of the parties is that against the order of removal dated 18-10-1984 the workman had filed an appeal to the Chairman, Ordnance Factory Board, Calcutta in November, 1984. While the said appeal was pending with the Appellate Authority the workman moved an application for conciliation by the Assistant Labour Commissioner. The Assistant Labour Commissioner was also informed about the pendency of the appeal and the workman was told that it was too early for him to approach the said conciliation authority. But the Conciliation Officer submitted his report on 4-7-1985 to the Ministry, as a result thereof this reference has been made. In the mean time, the DGOF Chairman, Ordnance Factory Board, Calcutta, had decided the appeal moderating the penalty of "removal from service" to that of reduction in pay to the minimum of the scale for one year, without cumulative effect. In compliance of the Chairman's order the workman has been reinstated in service vide VFJ Factory Order, Part II No. 1704, dated 5-5-1986.

4. As already stated the workman had moved for certain amendment in the reference order 14-6-1986, but the Ministry vide No. L-14012/24/85-D. II(B) dated 12/14-5-1987 has refused to make amendment but mentioned that "The workman may, if he desires, raise a fresh dispute over the above penalty, which was not the subject matter of the dispute on which the reference has since been made after receipt of the FOC Report."

5. The matter as referred to this Tribunal for adjudication is whether the action of the management in removing Shri Hanumant Rao from service with effect from 18-10-1984 (F.N) is justified and if not to what relief the workman concerned is entitled ? Since the workman had already

joined the service this reference order becomes infructuous. However, the workman may, if he so desires, raise a fresh dispute over the penalty imposed by the management. Reference is answered accordingly. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-14012/24/85-D. II(B)]

का. आ. 3161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल रेलवे जबलपुर के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पचाट को प्रकाशित करते हैं, जो केन्द्रीय सरकार द्वारा 12-10-87 को प्राप्त हुआ था।

S.O. 3161.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 or 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Central Railway, Jabalpur and their workmen, which was received by the Central Government on the 12-10-87.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(79) of 1985

PARTIES :

Employers in relation to the management of Central Railway, Jabalpur (M.P.) and Shri Aleem Ahmad, S/o Mohd. Sagir Khan, 735/2 Chaman Ganj, Sipri Bazar, Jhansi (U.P.)

APPEARANCES :

For Workman : Shri P. S. Nair, Advocate.

For Management : Shri P. D. Pathak, Advocate.

INDUSTRY : Railways DISTRICT : Jabalpur (M.P.)

AWARD

Jabalpur, the 5th October, 1987

By Notification No. L-41012(49)/83-D.II(B) dated Nil (received in the month of September, 1985) the Central Government has referred the following dispute, for adjudication :—

"Whether the action of the management of Central Railway, Jabalpur (MP) in terminating the services of Shri Aleem Ahmad, Telephone Operator with effect from 30-4-83 is justified? If not, to what relief the workman concerned is entitled?"

2. Facts which are no longer in dispute are that an advertisement was published in national news paper for the post of Telephone Operators and other posts and workman had applied for the former. The written test was conducted by the Railways Service Commission on 26-4-1981 and the workman was called for interview on 23-10-81. After written test and interview the workman was selected to the post of Telephone Operator and was posted to Central Railway in Jabalpur Division. He assumed charge on 12-6-1982. Thereafter the workman worked as Telephone Operator from 12-6-1982 to 30-4-1983 and had completed more than 240 days. His work was satisfactory and he was appointed on the sanctioned post and there was neither any reduction or cancellation of post. The services of the applicant were terminated by a simple discharge order dated 26-4-1983 and he was paid one month's pay in lieu of notice and retrenchment compensation as admissible under Section 25F of the I.D. Act. It is further admitted that there were serious criticism in the national press against the alleged malpractice

by the Railway Service Commission in the selection of candidates and it was because of this criticism that the services of the workman were terminated.

3. The case of the workman further is that the management has not complied with the provisions of Section 25G, 25H and 25N of the I.D. Act before terminating his service. Even otherwise, there was no justification for retrenching the position as he was neither junior most nor surplus yet after his termination Ramesh and R. B. Jha were appointed though they were junior to him. Thus he has been discriminated upon etc.

4. The case of the management further is that various provisions of Chapter VA and B were substituted by Act 49 of 1984 which came into effect from 18-8-84 much after the termination of the workman. Therefore these provisions are not applicable to the case of the workman. In any case, it was not a case of retrenchment and therefore Section 25N has no application. Vigilance Directorate of Railway Board had investigated the matter and sufficient evidence on mala fides was found in selection of the applicant. Therefore on these instructions of the Board to the Divisions the services of the applicant and others were terminated after complying with the provisions of Section 25F of the I.D. Act.

5. The case of the management further is that Shri Deepak Pradhan has been taken back to duty vide D.R.M.'s letter dated 11-6-1985 as per instructions issued by the Chairman Railway Recruitment Board for the reasons they will explain. Shri A. K. Gupta was appointed provisionally as per Court's decision subject to the clearance by the Railway Board (Vigilance Directorate). The case of Shri Ramesh Kumar Tiwari was reconsidered on the observation of D.J. Jhansi, but he has not been taken back on duty. Shri R. B. Jha has been appointed after duly declared as qualified by the Railway Service Commission as against the percentage fixed for direct recruits on 5-11-82.

6. At the very outset on behalf of the workman, it has been contended that the Railway Administration is employing more than 300 employees, as such provisions of Section 25G, 25H and 25N of the I.D. Act are applicable to the workman. On the other hand, the stand of the management is that these provisions are not applicable in this case.

7. I have gone through these provisions and I find that Section 25N was struck down by the High Court of Madras as unconstitutional and the present section therefore was substituted by the Amending Act 49 of 1984. Therefore, the provisions of Section 25N which came into force in the year 1984 will not apply to discharge of the applicant made in the year 1983. Section 25G lays down the procedure for retrenchment and Section 25H relates to the re-employment of the workman so retrenched. From the perusal of Section 25G it is crystal clear that the ordinary rule is last person employed is to be retrenched unless for the reasons to be recorded employer retrenches any other workman. The letter of the Ministry of Railways dated 21st September, 1982 (Ex. M/1) and the list (Ex. M/2) which are in writing clearly go to show that the services of the workman were terminated because their marks in the interview were found to have been manipulated after enquiry. Thus there is a valid reason in writing for discharging the present workman. In the circumstances the provision of Section 25G are fulfilled and the question of applying Section 25H therefore does not arise. In any case, management has given the reason in re-employing certain of the employees so terminated. About Shri Ramesh Kumar Tiwari the management has stated that though there was direction of District Judge, Jhansi, to reconsider his case but he has not been taken back on duty. As for Shri Deepak Pradhan it is mentioned that he was taken on duty as per instructions issued by the Chairman, Railway Recruitment Board and they will give reasons for the same. Unfortunately those reasons are not given till now. But in this connection, it is pertinent to note that there was a vigilance enquiry to decide the *prima facie* cases. If the Board decided otherwise in the case of Deepak Pradhan, it cannot be said that the applicant should also claim re-employment under Section 25H of the I.D. Act. As pointed out the management has already assigned reasons for the discharge of the workman for the purposes of Section 25G of the I.D. Act.

As such, Section 25H cannot be invoked. As for Shri A. K. Gupta the contention of the management is that he has been taken back on a Court's decision subject to clearance by the Railway Board (Vigilance Directorate). As such the applicant workman cannot claim benefit of their re-employment.

8. Next it has been conceded on behalf of the workman that his termination was for his alleged manipulation in his marks which amounts to misconduct with stigma attached. Therefore the services of the workman could not have been terminated without a proper domestic enquiry after giving him an opportunity to explain his stand. I am unable to agree because the allegation against the workman is not that he himself did manipulation in the marks. The allegation against him is that his marks in the interview were manipulated.

9. In this connection, management has examined Shri K. C. Hasija (M.W. 1) and filed an affidavit of Shri P. K. Chikte, Office Superintendent, Confidential Section and relied on his mark-sheet (Ex. M/3). Shri K. C. Hasija has stated that he was working as Deputy Director of Vigilance of Railways. He was directed vide Ex. M/1 to examine the records of these candidates. He submitted his report (Ex. M/2) after examining the record. The Mark sheet (Ex. M/3) goes to show that the marks of the present workman regarding personality test were manipulated from 22 to 32. Thus the total marks were raised from 123 to 133. This is crystal clear from perusal of Ex. M/3 as well. The statement of Shri P. K. Chikte also points out to the same thing. In his affidavit Shri Aleem Ahmad workman stated nothing material so as to rebut this allegation.

10. The workman has relied in this regard on the case of Vimal Kumar Srivastava Vs. Tulsi Gramin Bank, Banda, judgment of the Allahabad High Court (reported in 1986 Lab. J.C. 1112). In that case the allegations were that answer book go to show the similarity of mistake. Therefore it was presumed that the examinee had adopted unfair means and as such it was directed that he should be given nil marks in the interview. In the circumstances, the Court held that such a stand is not justified without giving him an opportunity to explain. Such is not the case in the instant case. As I have already pointed out the allegation is not against the workman but against the Selection Board which had taken his interview. Thus there is nothing for the workman to explain. His mark-sheet shows the manipulation made by the Interview Committee.

11. Lastly the workman has pointed out that one Mohd. Yusuf who was selected at Sl. No. 46 of the merit list had 20 and 21 marks while the present workman got 22 and 31 marks. So without the manipulation he stood selected. In this connection, I may point out that the candidates who employ unfair means do not know what will be their position in the selection, therefore they or their well wishers indulge in manipulation of unfair means though otherwise they may have been selected. Marks of Mohd. Yusuf are also manipulated and therefore his case stands on the same footing as that of the workman.

12. For the reasons discussed above, I find that discharge of the applicant from services is justified and the management has complied with the provisions of Section 25F of the I.D. Act. Therefore the workman is not entitled to any relief. I, therefore, answer the reference as under :—

That the action of the management of Central Railway, Jabalpur (MP) in terminating the services of Shri Aleem Ahmad, Telephone Operator with effect from 30-4-83 is justified. He is, therefore, not entitled to any relief. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-41012/49/83-D.IV(B)]

का. आ. 3162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, नादने रेखे के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद

में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 3162.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

I.D. Case No. 24 of 1986

Reference No. L-41012/2/85D.II(B) dt. 29-1-86

In the matter of dispute between :

The Zonal President, Uttar Railway Karamchari Union,
96/196 Roshan Bajaj Lane, Ganesh Ganj, Lucknow.

AND

The Dy. Chief Mech. Engineer, Carriage & Wagon Shop,
Northern Railway, Alambagh, Lucknow.

APPEARANCES :

Shri B. D. Tewari—for the workman.

Shri B. P. S. Chauhan—for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41012/2/85-D.II(B) dated 29-1-86, has referred the following dispute for adjudication to this Tribunal:

Whether the termination of Shri Kali Dutt Ojha, Khalasi by Deputy Chief Mech. Engineer Northern Railway, Lucknow, w.e.f. 7-2-76, is justified? If so, when by Deputy Chief Mech. Engineer, Northern Railway, from what date ?

2. Admittedly, Shri Kali Dutta Ojha the workman, was appointed as temporary Khalasi, on 8-2-74 in Carriage and Wagon Workshop, Northern Railway, Alambagh, Lucknow, and his services were terminated under rule 149 of Indian Railway Establishment Code Vol. I, by the competent authority w.e.f. 7-2-76.

3. The workman has challenged the order of his termination mainly on 2 grounds. Firstly, he has alleged that some time in the first week of February 1976, in connection with a quarrel which he had with his Foreman he was suspended. However, the order of suspension was subsequently revoked on 6-2-76 and thereafter on 7-2-76 his services were terminated by way of punishment. Secondly, he has alleged that the management did not comply with the mandatory provision of section 25F(b) I.D. Act, as he was not paid any retrenchment compensation at the time of termination of his services.

4. On the other hand it has been pleaded by the management that the order of termination is a perfectly legal order. Since the services of the workman were terminated under rule 149 of Indian Railway Establishment Code Vol.I, the question of payment of retrenchment compensation did not arise at all. The management has denied the facts alleged by the workman that in connection with some quarrel with the Foreman he was suspended and that subsequently the order of suspension was revoked. The other plea raised by the management is that the case is barred by time in as much as the Industrial Dispute has been raised by the workman after about 10 years of termination of his services.

5. In this case the management has filed the affidavit of Shri Mauji Lal, A.P.O. Carriage & Wagon Shops, Northern Railway, Alambagh, Lucknow. He was duly cross examined by Shri B. D. Tewari, authorised representative for the workman. The workman, on the other hand, filed his own affidavit and the affidavits of Shri Kripa Shanker, a workman in C and W Shop, N. RLY, Alambagh Lucknow, and his authorised representative Shri B. D. Tewari. Since none appeared from the side of the management on the date fixed for cross examination of the workman's witnesses, the workman's witnesses went uncross-examined.

6. In his affidavit the workman has deposed that in connection with a quarrel which he had with his Asstt. Shop Superintendent, he was suspended by the Asstt. Works Manager, C and W Shop, Northern Railway, Alambagh, Lucknow, on 4-2-76. After two days of the passing of the suspension order the said order was taken back from him and destroyed by Shri Kripa Shanker and Shri B. D. Tewari, who have also filed affidavits in support of workman's case. There is no denial of these facts by Shri Mauji Lal, A.P.O., C&W Shop N. Rly., Alambagh, Lucknow. In his affidavit he has simply deposed that the services of the workman were terminated in accordance with rule 149 of Indian Railway Establishment Code Vol. I. As such I see no reason why the workman should not be believed on the facts deposed to by him and his two witnesses in their affidavits despite absence of documentary evidence.

7. The question is whether the order of termination in fact amounts to an order of punishment. It is not disputed that the status of the workman at that time was that of a temporary railway servant. Instead of holding departmental proceedings it was open to the Railway Administration to terminate his services by giving him one month's notice under rule 149 of Indian Railway Establishment Code Vol. I. Therefore, in the first ground of attack I do not find any force.

8. The second point which needs consideration is whether or not the workman should have been paid retrenchment compensation under section 25F(b) I.D. Act. Whereas according to the authorised representative of the workman compliance of section 25F(b) was mandatory, according to Shri B. P. S. Chauhan, learned counsel for the management, it was not necessary. After hearing the two sides and considering the legal position, I am of the view, that the workman was entitled to retrenchment compensation at the time of termination of his services under Sec. 25F(b) I.D. Act.

9. In support of my view, I would like to refer to a few rulings they are (1) L. Robert De'Souza Vs. Executive Engineer, Southern Railway, 1982 Lab. IC page 811 (Supreme Court), (2) Santosh Gupta Vs. State Bank of Patiala 1980 Lab. IC page 687 (S.C.), and (3) Sri Somy Kumar Chatterjee Vs. District Signal Telecommunication Engineer and others 1970 Lab. page 629 (Patna High Court).

10. The first ruling refers to a railway workman who had acquired the status of a temporary railway servant. His services were terminated without compliance of provisions of Sec. 25F. Two of the several questions which arose in the case were whether the termination amounted to retrenchment and further whether the order of termination was illegal due to non compliance of the provisions of section 25F I.D. Act. It was held that if termination of service of workman is brought about for any reason what so ever, it would be retrenchment except if the case falls within any of the excepted categories mentioned in section 2(00) I.D. Act. It was further held that since the services of the workman had been terminated without notice and without payment of compensation, termination of services being retrenchment, it would be void ab-initio for failure to comply with section 25F I. D. Act.

11. In the second ruling it was held that the expression "termination of services for any reason what-so-ever" in section 2(00) I.D. Act refers to every kind of termination of services except those not expressly included in section 25F I.D. Act.

12. It is not disputed in this case that no retrenchment compensation was paid by Railway Administration to the workman at the time of termination of his services. So in view of the law referred to above the order of termination of the workman in the present case by Railway Administration is held as void-ab-initio.

13. It has been argued by the learned counsel for the management Shri B. P. S. Chauhan, that even if the order of termination is held as void, the workman is entitled to no relief as the case is barred by time. He has not filed any ruling in support of his contention. In the I.D. Act no limitation is provided for raising an industrial dispute. Hence, I do not find any substance in the contention of Shri Chauhan.

14. In view of what has been found above, it is held that the termination of Shri Kali Dutt Ojha, Khalasi, by Dy. Chief Mech. Engineer, Northern Railway, Lucknow, w.e.f. 7-2-76, is illegal and void. Consequently, the workman is entitled to be reinstated in service.

15. The next question which arises is whether or not he should be paid full back wages. According to Shri Chauhan, he should not be paid full back wages as he has been guilty of laches. Had Industrial Dispute been raised by the workman or the union of which he is member soon after his termination, the matter would have been decided much earlier and in the event of his reinstatement the Railway Administration would have availed of his services. In this case the workman has given no evidence explaining the delay in raising of industrial dispute. From the side of the workman his authorised representative Sri B. D. Tewari, has half heartedly urged that the workman should be paid full back wages.

16. Ordinarily the workman who is reinstated in service on the basis of the findings that his termination was illegal is entitled to full back wages. But the circumstances may appear which may disentitle him full back wages. In Lokku Zachariah Versus Union of India and others 1986 Lab IC 1203 (Karnataka), the workman was found having filed the writ petition after about 12 years. He was dismissed on 9-1-67, and his representation dt. 28-9-78, to the President of India, was rejected on 12-3-79. He then applied to the Director General Survey of India in which he was employed for reconsideration of the order of termination by means of review petition. His review petition was partly allowed and the order of dismissal was converted into one of compulsory retirement and he was allowed pension and gratuity to some degree. It was against the said order that he filed the writ petition before the Hon'ble High Court of Karnataka. The Hon'ble High Court allowed the writ petition set-aside the order of dismissal from service, but disallowed him arrears of salary prior to 1-12-80, with the observation that in the interest of justice the petition should not be dismissed in its entirety on the ground of delay and laches and that the ends of justice would be met by restricting the consequential benefits arising out of the setting aside of the dismissal order for a period of 3 years prior to the date of presentation of the writ petition.

17. Similarly in an other case the Hon'ble High Court of Bombay at Nagpur awarded to the workman only 50% of his back wages. The case in which it was so ordered is MSRTC Versus R. D. Terlewar 1987, Lab. I.C. page 787. It was observed as follows by his Lordship;

However, as regards the question of back wages the submission on behalf of the petition is that in view of the inordinate delay in presenting the revision, the respondent-conductor should be deprived of the whole of his back wages in the instant case. In my view, depriving the respondent of the whole back wages would be unjust and disproportionate. However, in the facts and circumstances of this case and looking particularly to the delay in filing the revision for which the responsibility to a certain extent can be fastened upon the respondent conductor, I feel that the respondent conductor should be granted only 50 per cent of his back wages in the instant case. The relief as regards back wages granted by the Industrial Court shall, therefore, stand modified to that extent.

18. In view of these two rulings looking to the delay and latches on the part of the workman I allow him 33 per cent of back wages with effect from the date of termination of his services i.e. 7-2-76.

19. In the result while holding that the termination of Shri Kali Dutt Ojha, Khalasi, by Dy. Chief Mech. Engineer, C & W Shop, Northern Railway, Alambagh Lucknow, w.e.f. 7-2-76 is illegal and void, the workman is held entitled not only to his reinstatement in service but also to 33 per cent of his back wages w.e.f. date of termination of his services. It is, however, made clear that he shall be put back where he left off and his new salary would be what he would draw

if he were to be appointed in the same post today de novo. Further he will not be allowed to claim any advantages in the matter of seniority or other priority interest among temporary employees on the ground that his retrenchment has been held invalid by this Tribunal.

20. Award is made accordingly.

Let six copies of this award be sent to the Government for its publication.

ARJAN DEV, Presiding Officer

[No. L-41012/2/85-D.II(B)]

HARI SINGH, Desk Officer

